

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3529 OF 2022

1. Ganesh Lahu Thorat
2. Pappu Balu Rakhpasare

...Applicants

V/s.

The State of Maharashtra

...Respondent

Mr. Sushil D. Shinde, for the Applicant.

Ms. Rutuja Ambekar, APP, for the State.

Ms. Rekha Musale, for original complainant.

CORAM : N.R. BORKAR, J.

DATE : 20TH DECEMBER, 2022.

PC. :

This is an application under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicants are apprehending their arrest in Crime No. 521 of 2022 registered at Baramati City Police Station, for the offences punishable under Sections 363, 326, 323, 504, 506 read with 34 of the Indian Penal Code.

3. According to the prosecution, on 01/11/2022 at about 1.30 p.m. the present applicants on account of some financial dispute, assaulted the complainant by iron rod. It is alleged that the

complainant sustained grievous injury.

4. I have heard the learned counsel for the applicants and the learned APP for the respondent/State.

5. The learned counsel for the applicants submits that there is a delay of three days in lodging the FIR. It is submitted that complainant had borrowed money from the applicants and as they were asking him to return their money, the complainant had lodged the false complaint. It is submitted that there are no other criminal antecedents. It is therefore submitted that the applicants may be released on anticipatory bail.

6. On the other hand the learned APP for the respondent/State submits that the present applicants assaulted the complainant by iron rod. It is submitted that considering the nature of offence, the applicants may not be released on anticipatory bail.

7. I have perused the FIR. According to the complainant, the applicant No.1- Ganesh Thorat assaulted him by iron rod. It appears that applicant No. 1 at the time of alleged incident was carrying koyata also. The nature of injury sustained by the complainant appears to be grievous. Considering these facts, I am not inclined to release applicant No. 1 on anticipatory bail.

8. As regards, applicant No. 2, there are no allegations of assault by him. Nothing is to be recovered at his instance, and therefore, his custodial interrogation is not necessary. Considering these facts, I am inclined to release the applicant No. 2 on anticipatory bail. In the result, the following order is passed:

ORDER

- A] The Application is partly allowed.
- B] In the event of arrest of applicant No. 2- Pappu Balu Rakhpasare in C.R. No. 521 of 2022 registered at Baramati City Police Station, for the offences punishable under Sections 363, 326, 323, 504, 506 read with 34 of the Indian Penal Code, he shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C] The applicant No. 2 shall attend the concerned Police Station on 27/12/2022 and 29/12/2022 and shall co-operate in the investigation.

[N.R.BORKAR, J.]