

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Anticipatory Bail Application (ABA) No. 732 of 2022

Kapil S/o Haribhau More and others

Versus

State of Maharashtra, through Police Station Officer, Police Station
Dharni, Dist. Amravati

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D.S.Khushlani, Advocate for the applicant.

Shri V.A.Thakare, APP for the State / Non-applicant

Shri S.I.Ghatte, Advocate for assist to prosecution.

CORAM : ANIL S. KILOR, J.

DATED : 5th DECEMBER, 2022.

The applicant is seeking pre-arrest bail under Section 438 of the Code of Criminal Procedure in Crime No. 438 of 2022 registered with Police Station Dharni, Dist. Amravati for the offence punishable under Sections 324, 326 read with Section 34 of the Indian Penal Code.

2. In this case allegations are that the informant suffered burn injuries because of the applicants. The alleged incident took place on 24th August, 2022 at about 3 pm. However, the informant did not lodge the complaint on the same day

immediately after the incident and even he did not take the medical treatment till next date i.e. 25th August, 2022.

3. *Prima facie*, there is no medical evidence to show the age of injury co-relating with the alleged incident. Thus, it creates doubts about the veracity of the allegations made in the First Information Report. In the circumstances, I am of the opinion that the applicants are entitled for grant of pre-arrest bail. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. Order dated 18th October, 2022 is hereby confirmed with modification that applicants shall attend the concerned police station as and when their presence is required.
- iii. It is made clear that whenever the presence of the applicants is necessary, they shall be served with 24 hours advance notice.

The criminal application is disposed of.

[ANIL S. KILOR, J.]

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