

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.74 OF 2023

Manoj Dajiram Salve And Others ...Applicants

Versus

The State Of Maharashtra And Another ...Respondents

Mr. R.A. Tambe, Advocate for applicants.

Mr. A.A. Jagatkar, APP for respondents.

Mr. R.S. Kasar, Advocate for informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th FEBRUARY, 2023

ORDER :

1. Applicants apprehend arrest in Crime No. 995 of 2022, registered with Kotwali Police Station, Ahmednagar, for offence punishable under sections 323, 324, 325, 326, 427, 504, 506 read with 34 of the Indian Penal Code.

2. FIR is lodged by Ravindra Deshmukh, Police Constable, Bakkal No. 591, alleging that on 06.12.2022, he was on night duty. Along with him, Police Constable Jagtap, Bakkal No. 517, Police Head Constable Manoj Salve, Bakkal No. 1271 and driver Police Naik Harshal Torne were present. At 9.30 pm., applicant No. 2 unnecessarily started abusing him. Applicant No.

2 came carrying wooden log. Applicant No. 1 and 3 also came out of police station saying that informant is giving false information about them to the superiors, Jagtap assaulted him with wooden log on hand and leg, Salve and Torne made informant fall down and assaulted him with fists and kick blows and abused him. Threats were given that if informant lodges complaint against them he will be implicated in atrocity case.

3. Heard the learned advocate for the applicants, learned Additional Public Prosecutor for respondents and learned advocate for informant. Perused the investigation papers.

4. From the CCTV footage it can be seen that at the time of incident applicant No. 2- Sujit Jagtap was carrying wooden log. Applicant No. 1- Manoj Salve and Applicant No. 3- Harshal Torne were present on the spot. In the injury certificate of the informant following injuries are reflected:-

(i) CLW over left hand index finger 1x0.5x0.2 cm- Simple injury.

(ii) CLW over left hand little finger 3x0.5x.05 cm- Grievous injury.

(iii) Tenderness over right wrist- Grievous injury.

5. Taking into consideration CCTV footage and injury certificate of informant, said injuries can be attributed to Applicant No. 2- Sujit Jagtap. Though, informant has alleged that Applicant No. 1- Manoj Salve and Applicant No. 3- Harshal Torne have assaulted him with fists and kick blows, there are no corresponding injuries reflected in the injury certificate. In that view of the matter, Applicant No. 2- Sujit Jagtap is not entitled for anticipatory bail as his presence is necessary for recovery of weapon and his active role in the alleged offence, prima facie, is reveled from the investigation papers.

6. Applicant No. 1- Manoj Salve and Applicant No. 3- Harshal Torne, however, are entitled for protection as is nothing is to be recovered from them and their pre-trial custodial detention in the facts of the present case is not necessary.

7. In the result, application of Applicant No. 2- Sujit Jagtap is rejected. Application of Applicant No. 1- Manoj Salve and Applicant No. 3- Harshal Torne is allowed.

8. In the event of arrest of Applicant No. 1- Manoj Salve and Applicant No. 3- Harshal Torne in connection with Crime No. 995 of 2022, registered with Kotwali Police Station, Ahmednagar,

for offence punishable under sections 323, 324, 325, 326, 427, 504, 506 read with 34 of the Indian Penal Code, they shall be released on executing personal bond of Rs. 15,000/- each with one surety in the like amount.

9. Till filing of charge sheet, applicants shall attend the concerned police station as and when called by the investigation officer and shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]