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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.126 OF 2023

Vishwanath Pandurang Wagh

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Ajinkya Kale for Talekar & Associates for the applicant
Mrs. R. P. Gour, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th FEBRUARY, 2023

ORDER :

1. Applicant apprehends arrest in Crime No. 8 of 2023 registered with Shrirampur Taluka Police Station, Shrirampur District – Ahmednagar for offence punishable under section 307, 323, 504, 506 of the Indian Penal Code.
2. FIR is lodged by Deepak Rajendra Shinde alleging that on 5th January, 2023, the applicant assaulted him at 9.30 p.m. with hockey stick, due to which he received injury on his left elbow.
3. Heard learned advocate for the applicant and the learned Additional Public Prosecutor. Perused the investigation papers.
4. It is a matter of record that the applicant was assaulted

with iron rod by 3 persons on 5th January, 2023 at about 9.00 to 9.30 p.m., due to which the applicant suffered right leg tibia fibula fracture and CLW on right wrist. The FIR filed by the applicant is registered by Shrirampur Taluka Police Station on 7th January, 2023 at Crime No. 7 of 2023 for offence punishable under section 326, 34, 504, 506 of the Indian Penal Code, against three unknown persons.

5. The informant in the present FIR has approached Dhanwantari Multi Specialty Hospital, which has issued medical certificate stating that the informant has received injury on his left hand in the form of blunt trauma. Though CT scan of his left elbow joint was advised, the informant was not willing for the same and hence the same was not done. Even X-ray does not appear to have been taken. The informant left the hospital on the pretext of having tea outside.

6. Taking into consideration the above facts, *prima facie*, it appears that the applicant is implicated in the present FIR only with a view to give counter blast to the FIR lodged by the applicant.

7. In the facts of the present case, pre-trial custodial detention of the applicant is not necessary. In the result, the

application is allowed. In the event of arrest of the applicant in Crime No. 8 of 2023 registered with Shrirampur Taluka Police Station, Shrirampur District – Ahmednagar for offence punishable under section 307, 323, 504, 506 of the Indian Penal Code, the applicant be released on executing Personal Bond of Rs.15,000/- with one surety. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the Investigating Officer and co-operate in the investigation. The applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE