

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**36 ANTICIPATORY BAIL APPLICATION NO.255 OF 2023
WITH
APPLN/803/2023 IN ABA/255/2023**

**PRADEEP @ OMKAR UTTAM MUNDE
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

...
Advocate for Applicant : Mr.Menezes Joslyn A.
APP for Respondent-State : Mr.G.O.Wattamwar
...

CORAM : R. G. AVACHAT, J.

DATE : 13.03.2023.

PER COURT :

1. Heard.

2. The FIR has been lodged by one Rahul on 09.11.2022 in relation to the incident that took place on previous day i.e. on 08.11.2022. A folk dance "Tamasha" had been arranged. It was by 10.00 p.m. Vishnu, Deepak and the present applicant are named in the FIR and around 10 to 15 unknown persons armed with sickle, sword, knives, stoles and assaulted the informant and his father. The informant thereby suffered grievous injuries. He was rushed to the hospital and then he lodged the FIR on the next day.

3. The learned APP and the learned Advocate for the intervenor would submit that it is a serious offence. The informant and his father suffered grievous injuries. The applicant claimed to be taking education is a false statement made only with a view to obtain relief from the Court. The School record of the applicant is placed before the Court, indicates he was drop out of the Standard 10th. The learned APP would further submit that the weapons are yet to be recovered and custodial interrogation of the applicant is, therefore, warranted.

4. Reading of the FIR, indicates that the informant and his father have suffered injuries. The injury certificates of both of them are on record. Same suggests they have suffered two injuries each. One of them is simple and other one is grievous. If the averments in the FIR are taken to be true, the informant and his father ought to have suffered multiple injuries. The same suggest that the alleged incident has been exaggerated. The applicant is just 22 years of age. He has no criminal antecedents. In view of the same the applicant is granted protection.

5. Hence, the application is allowed. Ad-interim anticipatory bail granted earlier is made absolute on following conditions :

- (i) He shall not tamper the prosecution evidence.
- (ii) He shall appear before the Investigating Officer as and when called for investigation purpose.

6. Criminal Application No. 803 of 2023 in ABA No. 255 of 2023 stands disposed of.

(R. G. AVACHAT)
JUDGE

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