

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

ANTICIPATORY BAIL APPLICATION NO.319 OF 2023
WITH APPLN/1059/2023 IN ABA/319/2023

RUSHIKESH RAMDAS DHAWALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. A.S. Gandhi
APP for Respondent No.1 & 2: Mr. K. S. Patil
Advocate for complainant : Mr. A.S.Gandhi

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CORAM : S. G. MEHARE, J.

DATE : 28.03.2023

PER COURT :

1. Heard the learned counsel for the applicant the learned A.P.P for respondent/State and learned counsel for the complainant.
2. The applicant is seeking anticipatory bail in connection with Crime No. 97/2022 for the offence punishable under Sections 365, 326, 325, 143, 147, 148, 149, 504, 506 of the Indian Penal Code registered at Police Station Belwandi, Taluka Shrigonda, District Ahmednagar.
3. The learned counsel for the applicant would submit

that, applicant has been falsely implicated in the crime. He is brother of a woman who had committed suicide due to the harassment by the injured and his family. The applicant was not involved in the crime. False allegations of assault by stick have been levelled against him. Considering the history of litigations between the families and his false implication he deserves anticipatory bail.

4. The learned A.P.P. has strongly opposed the application. He would submit that, the injured has sustained 19 injuries. He was brutally beaten by stick and iron rods etc. by many persons at a time. The applicant has been attributed a specific role. He had assaulted the deceased with wooden log. It has been recovered. However, the prosecution wants to recover the blood stained clothes and make further investigation. Therefore, the application for anticipatory bail may be rejected.

5. Perused the papers. There appears history of litigation between two families on the love affair of the injured and sister of the applicant. The specific role has been attributed to the applicant. He used the weapon to cause

the injury to the injured. The injured has sustained 19 injuries. Therefore the custodial interrogation of the applicant for the recovery of the clothes of the applicant appears essential to complete the investigation. In the facts and circumstances of the case, the applicant does not deserve anticipatory bail. Hence, the application stands dismissed.

6. Criminal Application No. 1059 of 2023 stands disposed of.

(S. G. MEHARE)
JUDGE

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