

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.360 OF 2023

Prashant @ Bhavdya s/o Shivaji Karle ... APPLICANT

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....
Mr. N.B. Narwade, Advocate for applicant
Mr. N.T. Bhagat, A.P.P. for respondents
.....

CORAM : R.G. AVACHAT, J.

DATE : 28th MARCH, 2023

PER COURT :

Heard. This is an application for bail under Section 438 of the Code of Criminal Procedure. The applicant has apprehension of being arrested in connection with Crime No.0091/2023, registered at Ahmednagar Taluka Police Station for the offence punishable under Sections 307, 323, 504 read with Section 34 of the Indian Penal Code.

2. The First Information Report (F.I.R.) has been lodged by one Dilip on 1/2/2023 in relation to the incident that took place by 9.30 a.m. on the previous day. It has been

averred in the F.I.R. that the informant was watering sugarcane in his field. He noticed that JCB to have passed through his land, causing damage of standing crop. He noticed the JCB passing by the road. The applicant was driving the said JCB. The informant questioned him as to why did he take the JCB through his field. Thereupon the applicant got annoyed and assaulted the informant on his head and left shoulder with a hoe. Meanwhile, the father of the applicant came there. He picked up a sharp agricultural equipment and assaulted the informant therewith. It has further been alleged that, the informant's son Amar intervened. He too was not spared. The applicant assaulted him with a hoe.

3. There is delay of little over 24 hours in lodging the F.I.R. The injury certificate of informant's son Amar is not forthcoming. As such, the allegations that the applicant assaulted the informant's son do not get reinforced. The injury certificate issued by a private hospital is placed on record. The same does not indicate the informant to have suffered head or any shoulder injury. From the certificate, it is also difficult to ascertain as to whether the informant suffered injury due to the assault made by the applicant herein. Co-accused Shivaji was arrested and even released on bail.

4. Considering the the role of the applicant in the alleged offence, the Court is inclined to grant the application. Hence the order:

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant in connection with Crime No.0091/2023, registered at Ahmednagar Taluka Police Station for the offence punishable under Sections 307, 323, 504 read with Section 34 of the Indian Penal Code, the applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with prosecution evidence and shall appear before the investigating officer as and when required for investigation purpose.

(R.G. AVACHAT, J.)

fmp/-