

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.375 OF 2023

RUSHAL SUNIL SALVE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. G. R. Syed
APP for Respondents: Mrs. R. P. Gour

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CORAM : R.M. JOSHI, J

DATE : JULY 06, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 347 of 2022 registered with Topkhana Police Station, Tq & Dist. Ahmednagar for the offences punishable under Sections 307, 324, 323, 341, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

2. Informant reported to the police about incident occurred on 01.05.2022 in which he was assaulted by present Applicant and others. There is specific statement in the FIR that the co-accused assaulted him with iron pipes.

3. Learned Counsel for the Applicant states that though the name of the Applicant appears in the FIR, however, there is no allegation against him of causing

assault on the informant and use of any weapon.

4. Learned APP opposed the application by stating that informant sustained grievous injury in the said assault. It is also stated that present Applicant had assaulted to the witnesses.

5. Perusal of the investigation papers show that though the informant has sustained injuries, the same cannot be attributed to the present Applicant. As far as the allegation in respect of Applicant assaulting the witnesses, there is no injury certificate. Hence, there is no corroboration to the statement made in the FIR.

6. Having regard to the aforesaid facts, the custodial interrogation of the Applicant is not necessary. Applicant has no criminal antecedents. Hence, Application is allowed by confirming interim order dated 17th March, 2023.

(R.M. JOSHI, J.)

Malani