

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

ANTICIPATORY BAIL APPLICATION NO.376 OF 2023

AKSHAY S/O. YOGESH @ YAHUBA AUTADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Jagtap Adinath B.
APP for Respondents : Mr. S.N. Morampalle

CORAM : R.M. JOSHI, J.
DATE : 15th June, 2023

PER COURT :

1. Applicant is apprehending arrest in connection with Crime No. 1025 of 2022, registered with Newasa Police Station, Taluka Newasa, District Ahmednagar, for the offence punishable under Sections 307, 323, 143, 144, 147, 148, 149, 504, 506 of IPC.

2. Dashrath Ainar gave information to the police that he is working as a Professor in Dnyaneshwar Maharaj College, Newasa. He narrated incident occurred on 16th November, 2022, when Paraji Tagad was assaulted by the accused named in the FIR.

3. Learned counsel for the applicant states that name of the applicant does not appear in the FIR and he apprehends

arrest. In the police report, it is claimed that on the basis of the statement made by the co-accused, police is likely to array him as accused in the present case.

4. Learned APP states that the applicant was also present at the spot along with the co-accused and apart from this, applicant has criminal antecedents. A serious offence punishable under Section 376 of IPC has been registered against him.

5. Perusal of the FIR shows that the allegation of causing assaulted on Paraji was made against the co-accused whose name is specifically mentioned by the Informant. Even in the FIR, there is no allegation against other accused named therein for causing such assault. Merely because the co-accused have stated that the present applicant was present at the spot, it cannot be presumed that he was a party to the said crime. It is pertinent to note that the incident in question had occurred at the college premises and the presence of other students is inevitable.

6. Pertinently, the allegation against the present applicant in the other crime is that he has made available lodge to the co-accused who has charged with the offence punishable

under Section 376 of IPC. This Court finds no reason to deny anticipatory bail of the present applicant on that ground.

7. In these circumstances, it is a fit case to protect the liberty of the applicant. Hence, application stands allowed in terms of interim relief.

[R.M. JOSHI, J.]

SPChauhan