

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

ANTICIPATORY BAIL APPLICATION NO.460 OF 2023

**YUVRAJ ARJUN SURWASE
VERSUS
THE SUPERINTENDENT OF POLICE, AHMEDNAGAR AND ANOTHER**

Mr.R.R.Karpe, Advocate for applicant
Mr.N.T.Bhagat, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : APRIL 11, 2023**

ORDER :-

Heard.

2. The applicant is alleged to have assaulted the informant with iron pipe. The informant thereby suffered fracture of shaft femur. The injury certificate issued by the private hospital has been placed on record along with x-ray films.

3. Learned counsel for the applicant took this Court through the FIR, to submit that the co-accused – Akshay, who, allegedly, wielded blow with iron rod to the informant, has been granted anticipatory bail, since the injury certificate of the informant suggests that he suffered not a single injury due to the assault allegedly made by the co-accused - Akshay. Learned counsel for the applicant has,

therefore, every reason to contend that the averments in the FIR have either been exaggerated or even untrue.

4. Admittedly, the FIR has been lodged three days after the alleged incident. The informant was accompanied by 2-3 other persons. One of them could have lodged the FIR at the earliest. It is not known, as to why the informant did not approach either the police station or the Government hospital. Be that as it may.

5. Since the allegations in the FIR against co-accused Akshay appear to have been untrue, the probative value of the allegations in the FIR against the applicant herein is seriously in doubt. Hence, the application is allowed. The interim protection granted vide order dated 31.03.2023, is hereby made absolute.

[R.G. AVACHAT, J.]

KBP