

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

ANTICIPATORY BAIL APPLICATION NO.472 OF 2023

**YOGESH SURYABHAN AUTI
VERSUS
THE SUPERINTENDENT OF POLICE, AHMEDNAGAR AND ANOTHER**

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

**CORAM : R.G. AVACHAT, J.
DATE : APRIL 19, 2023**

ORDER :-

Heard.

2. The FIR has been lodged by the wife of the injured on 01.03.2023 in relation to the incident that took place by 11.30 p.m. on the previous day. As such, the FIR has been lodged within hours of the incident. It has been alleged in the FIR that the applicant came in Swift car, stopped in front of the house of the informant and started abusing the informant in filthy language. The FIR is silent to state, as to what prompted the applicant to stop in front of the house of the informant and abuse her. It has further been alleged that the applicant took out an axe from his car and rushed towards the informant to assault therewith. In the meanwhile, her husband came out of the house. The applicant started abusing him as well. The applicant then

gave him blows and fell him down. He then sat on the chest of the informant's husband and pressed his neck. The record indicates that the applicant and his wife also have lodged FIR against the informant and her husband in relation to the very incident. As such, the veracity of the allegations in the FIR is in doubt. Possibility of having introduced some exaggerated version, could not be ruled out.

3. The injury certificate has been issued by a private hospital, describing the informant's husband to have suffered injury grievous in nature. The Doctor has opined that the "patient developed ischemic changes in I.C.U."

4. Since all was not well between the two families, the possibility of having introduced some exaggerated version in the FIR, could not be ruled out coupled with the fact that the injury certificate has been issued by a private hospital, this Court is inclined to confirm the interim protection granted to the applicant.

5. The interim protection granted to the applicant vide order dated 05.04.2023 is made absolute. The application stands disposed of accordingly.

[R.G. AVACHAT, J.]

KBP