

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

ANTICIPATORY BAIL APPLICATION NO.578 OF 2023

PAPPU BHIKANRAO KARPE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. N. D. Sonavane

APP for Respondents: Mrs. R. P. Gaur

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CORAM : R.M. JOSHI, J

DATE : JUNE 13, 2023

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 32 of 2023 registered with Devgaon Police Station, Tq. Kannad for the offences punishable under Sections 326, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Perusal of the FIR shows that an incident occurred on 04.02.2023 at around 09.00 am when he went to Ganesh College for meeting his friends, Applicant came there and questioned him as to why he stalks said girl. He, therefore, got scared and jumped over the compound wall of college. It is alleged that thereafter he was assaulted with fist and kick blows and accused Pappu assaulted with wooden stick on right knee. He,

therefore, sustained injuries.

3. Learned Counsel for the Applicant states that there is one month delay in lodging of the FIR which creates doubt about genuineness thereof. He further states that it the contention of informant himself that he jumped over the compound wall and fell down which indicates that there is possibility of causing of said injury by the fall.

4. Learned APP opposed the application and placed reliance on the injury certificate of the informant, which indicates that there was fracture caused to the right leg.

5. Admittedly the incident in question has occurred on 04.02.2023 at around 09.00 am. In the FIR there is no explanation as to why the report of the said incident has been lodged after about a month. The report further indicates that as informant was scared, jumped over the compound wall of the college. Thus, the possibility of he sustaining injury by the fall cannot be ruled out. There are no criminal antecedents against present Applicant. Appropriate direction to him to

appear before the investigating officer and to cooperate in the investigation will be sufficient for further effective investigation remained, if any.

6. Hence, the order:

O R D E R

- (i) Application stands allowed.
- (ii) In the event of arrest of the Applicant in connection with Crime No. 32 of 2023 registered with Devgaon Police Station, Tq. Kannad for the offences punishable under Sections 326, 323, 504, 506 read with Section 34 of the Indian Penal Code, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- (iii) He shall attend the concerned police station as and when called.
- (iv) He shall not contact the prosecution witnesses directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) He is further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)

Malani