

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

ANTICIPATORY BAIL APPLICATION NO. 582 OF 2023

DHIRAJ GANGADHAR NARVADE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Swami Sandeep C.
APP for Respondent : Ms. R.P. Gour

CORAM : R.M. JOSHI, J.
DATE : 12th June, 2023

PER COURT :

1. Applicant is apprehending arrest in connection with FIR No. 92 of 2023, registered with Shivaji Nagar Police Station, Taluka and District Latur, for the offences punishable under Sections 307, 323, 504, 506 read with 34 of IPC.
2. Perusal of the First Information Report shows that an incident occurred on 28th February, 2023, wherein, the informant was assaulted with Katti and belt in a road rage. FIR specifically states about injury with the weapon being caused by co-accused, The allegation against a present applicant is for causing assault with fists, kick and belt.
3. Learned Advocate for the applicant states that applicant did not have any weapon nor participated in the alleged assault and merely because he was along with the co-accused, it

cannot be held that he is responsible for causing injuries to the injured. It is claimed that applicant is aged about 19 years with no criminal antecedents.

4. learned APP by referring to the investigation papers informs that informant has sustained grievous stabbed injuries. It is also stated that the present applicant has also participated in the assault by using belt and stones. According to her, since Section 34 of IPC is applied, common intention of the applicant can be seen from the assault caused by all accused on the informant. It is stated that the co-accused are having criminal history.

5. Though, it is alleged that the applicant herein was sharing common intention of causing assault on the informant, it cannot be ignored that incident in question has occurred out of a road rage. It is, therefore, not case of preplanned attack on informant. Since the present applicant has not used any weapon, serious offence cannot be attracted against him. Applicant is of young age, with unblemished criminal record. This Court find that appropriate direction to him to appear before the Investigating Officer would be sufficient for further effective investigation of the crime. Hence,

application is allowed, subject to the following conditions :

ORDER

- i. In the event of arrest of applicant in connection with Crime No. 92 of 2023, registered with Shivaji Nagar Police Station, Taluka and District Latur, for the offences punishable under Sections 307, 323, 504, 506 read with 34 of IPC, 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.
- ii. He shall attend the concerned police station once in a week till conclusion of the investigation.
- iii. He shall not contact the prosecutrix/witnesses directly or indirectly.
- iv. He shall not interfere with the evidence in any manner whatsoever.
- v. He is further directed to co-operate the investigating agency for further investigation.

[R.M. JOSHI, J.]