

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

ANTICIPATORY BAIL APPLICATION NO.590 OF 2023

RAMESHWAR VITTHAL SIRSATH
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. K. A. Ingle
APP for Respondents: Mr. V. S. Badakh

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CORAM : R.M. JOSHI, J

DATE : JUNE 05, 2023

PER COURT :

1. Applicant is apprehending arrest in connection with Crime No. 165/2023 registered with Bhokardan Police Station for the offences punishable under Sections 307, 323, 504 read with Section 34 of IPC.

2. On 21st March, 2023 Santosh Shinde gave information to the police about the occurrence of the incident on 18th March, 2023 wherein Vitthal, Gajanan and Rameshwar (present Applicant) were throwing stones in the stream. When the informant asked about the same to them, they assaulted informant. It is alleged that present Applicant assaulted on his head with stone. Later on some other persons came to the spot and they

intervened in the said issue. Informant was referred to the Government Hospital, Bhokardan and from there he was referred to Sillod.

3. Learned Counsel for the Applicant states that there is previous dispute between the informant and the accused person owing to the abutant agricultural lands. It is also stated that there is delay in lodging the FIR and the said delay has not been explained. Thus, according to him, there is possibility of false implication of the present Applicant in the crime in question.

4. Learned APP opposed the said submissions by referring to the police papers. He specifically drew attention of the Court to the injury certificate as well as medical papers. It is his contention that Applicant was hospitalized for more than 10 days, which indicates that the nature of injury was serious enough to attract offence punishable under Section 307 of IPC.

5. Perusal of FIR shows that there were disputes between informant and accused as agricultural lands of

both are adjoining to each other. Incident in question occurred on 18th March, 2023 at around 10 am whereas report is lodged on 21st March, 2023. Perusal of police papers indicates that informant had sustained simple injury on his head. There is no dispute about the fact that only single injury was caused to the head of the informant. Having regard to the nature of injury and in view of isolated injury caused on the head of the informant, there is doubt as to whether the offence punishable under Section 307 of IPC would attract or not. *Prima facie* it is suffice to say that the intention to kill informant is absent.

6. Though it is contended by the learned APP that the informant was hospitalized for more than 10 days, papers placed on record indicates that though informant was advised discharge, he refused discharge from government hospital. Similarly, his admission to the private hospital on own was on 30th March, 2023. All these facts create doubts about the seriousness of the injuries caused to the informant. Nothing is to be recovered at the instance of Applicant. Pursuant to the order of this Court the Applicant attended concerned

police station and co-operated in investigation. The applicant is an agriculturist with no criminal antecedents. Owing to the previous dispute between the parties, the possibility of exaggeration cannot be ruled out. There is nothing to indicate that his custody is required for any further investigation.

7. Hence, the order:

O R D E R

- (i) In the event of arrest of the Applicant – Rameshwar Vitthal Sirsath in connection with Crime No. 165/2023 registered with Bhokardan Police Station for the offences punishable under Sections 307, 323, 504 read with Section 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 as and when required for the purpose of investigation.
- (iii) He shall not contact the prosecution witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate the

investigating agency for further
investigation.

(R.M. JOSHI, J.)

Malani