

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

ANTICIPATORY BAIL APPLICATION NO.603 OF 2023

**SATISH MARUTI @ MAROTI JAGTAP AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

Mr.R.G.Hange, Advocate for applicants
Mr.A.A.Jagatkar, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : APRIL 27, 2023**

PER COURT :-

This is an application for anticipatory bail. The applicants claim to have apprehension of arrest in connection with Crime No.034 of 2023 registered with Beed Rural Police Station, Beed, for the offences punishable under Sections 307, 324, 504 and 506 read with Section 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act.

2. Heard. Perused the First Information Report ("FIR", for short) and the related papers.

3. The FIR has been lodged by the victim himself, alleging the applicants to have assaulted him with sword and *Kukri*.

4. Learned APP would submit that the weapons used in the assault are to be recovered. It was a bid on the life of the informant. He, therefore, urged for rejection of the application.

5. Learned counsel for the applicants would, on the other hand, submit that co-accused - Maroti is alleged to have assaulted on the head of the informant with sword. The injury certificate indicates the informant to have not suffered any head injury. Same suggests that a colorful version has been introduced in the FIR. It is not known, why Section 307 of I.P.C. has been invoked. If the applicant had really intended to eliminate the informant, they would have translated their intention into action then and there.

6. The injury certificate indicates the informant to have suffered injuries, simple in nature. It appears that Section 307 of I.P.C. was invoked, alleging co-accused Maroti to have assaulted on the head of the informant. Since the injury certificate falsifies the said averments, what remains is offence under Section 324 of I.P.C., which is bailable one. In view thereof, the application deserves to be allowed.

7. Hence, the following order,
8. The application is allowed.
9. In the event of arrest in connection with Crime No.034 of 2023 registered with Beed Rural Police Station, Beed, for the offences punishable under Sections 307, 324, 504 and 506 read with Section 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act, the applicants be released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount, on conditions that :-
 - (i) The applicants shall attend the concerned Police Station as and when required by the Investigating Officer.
 - (ii) The applicants shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

kbp