

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

937 ANTICIPATORY BAIL APPLICATION NO.607 OF 2023

BHUSHAN @ BANTY ASHOK PATIL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Pramod C. Mayure
APP for Respondent – State : Mr. S.N. Morampalle
...

CORAM : R. M. JOSHI, J.
DATE : 7th JULY, 2023

PER COURT :

. Heard.

2. Applicant is apprehending arrest in connection with Crime No.42 of 2023 registered with West Deopur Police Station, Dist. Dhule for the offences punishable under Section 326, 323, 504, 506 r/w.34 of the Indian Penal Code.

3. According to informant, on 14.02.2023 at about 10.30 p.m., he went to one hotel wherein applicant and co-accused were having food. They came to him and insisted him to pay their bill. When he refused to do so co-accused assaulted him with glass. Due to the said assault, he sustained bleeding injuries. As far as present

applicant is concerned, it is alleged that he assaulted informant with fists and kick blows.

4. Learned counsel for applicant states that in fact applicant had lodged complaint in the year 2022 to the effect that informant had threatened him to involve him in a false case. As far as present report is concerned, it is submitted that there is allegation of causing of assault resulting into bleeding injury is attributable to the co-accused. So far as present applicant is concerned, according to him, offence alleged against him is only punishable under Section 323 of IPC, which is bailable offence.

5. Learned APP opposed application by submitting that there are criminal antecedents of applicant and that along with co-accused applicant had also assaulted informant with fists and kick blows.

6. Perusal of First Information Report shows that incident is occurred spontaneously and that there was no premeditation. Co-accused assaulted informant which has resulted into causing of

bleeding injury to him. Allegation against present applicant shows that he could be said to have committed the offence punishable under Section 323 of the IPC, which is bailable in nature. In such circumstances, criminal antecedents of applicant cannot become a ground for refusal of bail. Hence, following order.

ORDER

(i) Application is allowed in terms of the interim relief dated 21.04.2023.

[R. M. JOSHI]
JUDGE

GGP