

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

ANTICIPATORY BAIL APPLICATION NO.621 OF 2023

PRAVIN DILIP BURUNGE
VERSUS
THE SUPERINTENDENT OF POLICE, HINGOLI AND ANOTHER

...
Advocate for Applicant : Mr. S. S. Gangakhedkar
APP for Respondents: Mr. G. O. Watamwar
...

CORAM : R.M. JOSHI, J

DATE : JULY 18, 2023

PER COURT :

1. Applicant is constable with SRPF and he apprehends arrest in connection with with C.R. No. 353 of 2022 registered with Basamba Police Station, Dist. Hingoli for the offences punishable under Sections 326, 324, 323, 143, 144, 147, 148, 149, 504 of the Indian Penal Code.

2. Informant Rahul claims that an incident had occurred on 08.12.2022 at around 07.30 pm wherein he made complaint in respect of quality of the food, applicant, who is the owner of Dhaba, abused him. At that time, he assaulted the informant on his head with sword. There is further allegation that the co-accused assaulted him and others with iron rod.

3. Learned Counsel for the Applicant states that the Applicant was on duty on the day of incident and to substantiate the said contention, he placed reliance on the photocopy of the attendance record of the Applicant. It is further contended that in respect of the same incident, other two reports were lodged and that the informant therein and the witnesses sustained injuries which is supported by the medical certificates on record.

4. Learned APP opposed the application by contending that apart from the statement of informant there is injury certificate which shows that the injury was caused to the head of the informant which is attributable to the present Applicant. He further submits that there is separate first information report by the eye witness who have also stated of Applicant using weapon to cause assault.

5. From the record it appears that some incident certainly occurred on 08.12.2022 as the different reports came to be lodged in respect of the same. As far as present Applicant is concerned, there is

allegation in the FIR that he used sword to cause assault on the head of the informant whereas in the statement of witness it is alleged that the Applicant had used sickle. Though learned APP has tried to argue that there is possibility of such mistake being committed by the informant while recording of the report, however, even accepting this contention to be true, the same is not supported by the injury certificate. The injury certificate indicates that the weapon used for assaulting the informant was hard and blunt object which was never alleged to have been used by the present applicant.

6. In such circumstances, there is doubt about involvement of the present of the Applicant in crime. Appropriate direction to Applicant to attend concerned police station for the purpose of recovery of any weapon for effective investigation will be sufficient. Hence, Application is allowed by confirming order dated 25th April, 2023.

(R.M. JOSHI, J.)