

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

ANTICIPATORY BAIL APPLICATION NO.663 OF 2023

VISHAL BHARAT PALVE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. S. R. Andhale
APP for Respondents: Mr. V. S. Badakh
...

CORAM : R.M. JOSHI, J

DATE : JULY 03, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 80 of 2023 registered with Sonai Police Station, Tq. Newasa, Dist. Ahmednagar for the offences punishable under Sections 143, 147, 148, 149, 326, 327, 324, 504, 427 of the Indian Penal Code.

2. Informant – Tushar gave report to the police stating that on 20.02.2023 at about 08.15 pm Applicants and other co-accused came to his hotel and started assaulting and abusing them. It is alleged that accused no. 2 with the help of iron rod caused assault on the Badrinath and Sachin.

3. Learned Counsel for the Applicants state that in fact on the same day informant and others forcibly

entered in hotel of the Applicant No. 2 and caused assault on his son. According to him, present report is nothing but a false implication of Applicants in this crime.

4. Learned APP opposed the application by submitting that apart from FIR, there are statements of witnesses which indicates that the Applicants have caused assault on informant with iron rods and injury certificate supports the same. Learned APP further submits that there are criminal antecedents against Applicant No. 2. Learned Counsel for the Applicants states that out of these five offence, Applicant No. 2 was acquitted in three offence.

5. Since CCTV footage is available, investigating officer was directed to ascertain the same. It appears from the transcript of the CCTV footage that informant and others first came in the hotel of the Applicant No. 2 and caused assault on the son of the Applicants. Thereafter informant and others are seen leaving hotel with wooden logs in their hands. There is nothing on record to indicate that the iron rods were brought and used by the Applicants in the said crime. Apart from

this, witness Badrinath though claims to have been assaulted, was not referred to the hospital and there is nothing on record to show that he has sustained any injuries. There is substance in the contention of learned Counsel for the Applicants that this could be the case of false implication or over implication of the Applicants.

6. This Court finds no reason to deny protection to these Applicants. Hence, Application is allowed by confirming interim order dated 28th April, 2023. Applicant No. 2 is directed to attend the concerned police station once in a week. For the purpose of recovery, if any, he shall be deemed to be in the custody of the police.

(R.M. JOSHI, J.)

Malani