

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 680 OF 2023

Satish Vishwambhar Jogdand & others

Applicants

Versus

The State of Maharashtra & another

Respondents

Mr. S. J. Salunke, Advocate for the applicants.

Mr. G. O. Wattamwar, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 23rd JUNE, 2023.

PER COURT :

1. Applicants are apprehending arrest in connection with Crime No. 71/2023 registered with Neknoor Police Station, Dist. Beed for the offences punishable under Sections 326, 325, 143, 147, 149, 504, 506 of the Indian Penal Code and Sections 4 and 27 of Arms Act.

2. Informant Shailesh lodged report on 12th April, 2023, in respect of the incident occurred on 27th March, 2023. It is his contention that when he was sitting along with his friends, present applicants came to the spot with iron rod, sword and wooden stick and they assaulted the informant and witnesses. He has further

stated that he and the injured persons were taken to the Government Hospital, Neknoor and thereafter they were referred to hospital at Beed. He claims that though he was discharged by the doctor, he got himself admitted in the Government Hospital as he was not keeping good health and therefore delay is caused in lodging First Information Report.

3. Learned counsel for the applicants states that there is inordinate delay of 15 days in lodging First Information Report. It is his contention that only by way of counter blast to the report lodged by the applicant No. 3 on 9th April, 2023, in respect of incident dated 27th March, 2023, the present First Information Report is registered. It is his contention that infact in the said incident, applicant No. 3 has sustained serious injuries which can be seen from the documents placed on record. He further claims that applicants have no criminal antecedents and that appropriate direction to them to appear before the Investigating Officer will be sufficient for effective investigation of this crime.

4. Learned APP opposed the application with submission that there are specific allegations against the present applicants for

causing assault on the informant and other witnesses by use of weapons. He submits that those weapons are yet to be recovered. To support his submission about causing of assault, reliance is placed on the injury certificates of those persons. Thus, according to him, it is not a fit case for grant of anticipatory bail.

5. The incident in question has occurred in 27th March, 2023 and report in respect of the same was given by applicant No. 3 herein on 9th April, 2023 vide First Information Report No. 66/2023. Perusal of the investigation papers of the said crime indicates that applicant No. 3 had sustained serious injuries in the said incident. In the light of these facts, delay caused in lodging First Information Report assumes importance. Though the informant has sought to explain delay by stating that after his discharge from hospital he got himself admitted in the Government Hospital at Beed, there is no material on record to substantiate said fact. Perusal of the injury certificates also show that simple injuries were caused to the informant and others. In such circumstances, there is reason to accept the contention of learned counsel for the applicant that this can be a case of false implication of applicants by way of counter blast to the report lodged against the informant and others.

Applicants have no criminal antecedents. Appropriate direction to applicants to remain present before the Investigating Officer will be sufficient for effective investigation. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb