

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 715 OF 2023

Mahesh @ Khengar Govind Bharwad

Applicant

Versus

The State of Maharashtra

Respondent

Mr. R. S. Pawar, Advocate for the applicant.

Mrs. G. L. Deshpande, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 5th JULY, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0774/2022 registered with Nandurbar City Police Station, Tq. & Dist. Nandurbar, for the offences punishable under Sections 141, 147, 148, 149, 307, 323, 324, 326, 341, 504, 506 read with Section 34 of the Indian Penal Code.

2. Informant reported to the police about the incident occurred on 15th December, 2022 in which he and his son Ranchod were assaulted by the applicant and others. There is specific allegation against the co-accused that with the help of blung side of

the sickle he assaulted Ranchod and applicant assaulted him with wooden stick.

3. Learned counsel for the applicant states that the intention of the assailants to cause serious injuries is absent in view of the fact that blunt side of the sickle is used. It is also submitted that all weapons are already recovered and co-accused are enlarged on bail.

4. Learned APP opposed the application by submitting that number of persons gathered together and caused assault on the informant is the sole fact sufficient to indicate the seriousness of the offence.

5. Prima facie perusal of the First Information Report indicates that the allegation of causing injury with sickle is from the blunt side. This Court finds substance in the contention of learned counsel for the applicant that had the assailants intention to cause serious injury to the informant and his son, nothing had prevented them from using the sharp side of the weapon to cause assault. Apart from this, nothing is to be recovered at the instance of the

present applicant. Allegation against him is of using stick in the said assault. Applicant has no criminal antecedent. Having regard to the aforesaid facts, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb