

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

ANTICIPATORY BAIL APPLICATION NO.799 OF 2023

VENU @ RUSHIKESH S/O ARUN KAMBLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Manpreet Granthi
APP for Respondents: Mr. S. N. Morampalle
...

CORAM : R.M. JOSHI, J

DATE : JUNE 20, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 440 of 2022 registered with Shivajinagar Police Station, Dist. Nanded for the offences punishable under Sections 307, 143, 144, 147, 148, 149 of Indian Penal Code and Sections 4/25 of Arms Act.

2. Informant – Nihal gave report to the police with regard to the incident occurred on 07/12/2022 in which present Applicant and co-accused assaulted him and in the said assault he sustained serious injuries. It is alleged that he was assaulted with sword and Khanjir. He claims to have been admitted in the hospital and after his discharge, present report is lodged.

3. Learned Counsel for the Applicant states that there is delay in lodging FIR and considering the fact that there was previous complaint lodged by the brother of the Applicant against the informant on 07.12.2022 false implication of the Applicant cannot be ruled out. By relying upon the documentary evidence placed on record it is submitted that the Applicant in March, 2022 has undergone Kidney transplantation and that his physical condition does not permit him to involve in such activities. It is also submitted that at present also Applicant is undergoing operation in the hospital at Hyderabad.

4. Learned APP opposed the application with the contention that the informant has sustained grievous injury to his hand and having regard to the specific allegation against Applicant and co-accused made in the FIR, it is not the fit case for grant of anticipatory bail.

5. Apart from the fact that there is delay in lodging FIR, the injury caused to the hand of the informant cannot be attributed to the present Applicant. It is alleged in the FIR that co-accused

assaulted him with sword on his head and when he obstructed the said assault injury was caused to is palm. The injury certificate shows that single injury caused to the palm of the informant. There is allegation against the present Applicant that he has assaulted him with Khanjir and his leg. No such injury is supported by the medical certificate placed on record. Thus, it could be the case of over implication.

6. Having regard to the nature of allegations made in the FIR and considering the above circumstances, liberty of the Applicant needs to be protected. Hence, the order:

O R D E R

- (i) In the event of arrest the Applicant in connection with with C.R. No. 440 of 2022 registered with Shivajinagar Police Station, Dist. nanded for the offences punishable under Sections 307, 143, 144, 147, 148, 149 of Indian Penal Code and Sections 4/25 of Arms Ac, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- (ii) He shall attend the concerned police station as and when required.

- (iii) He shall not contact the prosecution witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)

Malani