

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

ANTICIPATORY BAIL APPLICATION NO. 852 OF 2023

Anant Devidas Jadhavar

... APPLICANT

VERSUS

1. The State of Maharashtra
Through Officer In Charge,
Police Station Majalgaon (Rural),
Dist. Beed

2. The Superintendent of Police,
Beed, Dist. Beed.

... RESPONDENTS

Mr. S. J. Salunke, Advocate for the applicant
Mr. S. N. Morampalle, APP for the respondent/State
Mr. N. P. Bangar, Advocate for the informant

CORAM : R. M. JOSHI, J.

DATE : 17th JULY, 2023

P.C. :-

1. On the basis of first information report lodged by Babasaheb Jadhavar on 25th April, 2023 present applicant is apprehend arrest in connection with 112 of 2023 registered with Majalgaon Rural Police Station, Dist. Beed for the offences punishable under Sections 307, 324, 143, 147, 149, 323, 504, 506 of IPC and under Sections 37(1)(3), 135 of the Maharashtra Police Act.

2. It is a contention of the informant that on 24th April, 2023 at around 06.00 pm while he along with his cousin Samadhan and paternal uncle Vishnu standing in front of their house and at that time Balu and

Anant (present applicant) came there. They told Visnu and Samadhan to withdraw the complaint lodged against them in respect of eve teasing. When Samadhan refused to concede to the same Balu assaulted Samadhan with sickle on his head. It is alleged against present applicant that with the handle of axe he assaulted informant on his nose.

3. Learned counsel for the applicant states that though the offence is alleged under Section 307 of IPC, perusal of the first information report itself shows that there was no intention to kill informant. It is submitted that there are disputes between the parties and owing to the same this is a case of false implication of the applicant in the crime.

4. Learned APP and learned counsel for the informant opposed the application by submitting that the statement of informant duly gets support from the statements of the eye witnesses to the incident. It is also contended that the injury certificate on record supports the allegation against the present applicant of causing injury to the nose of the informant. Learned counsel for the informant apprehends that the present applicant will pressurize the informant and witnesses. In response to these submissions learned counsel for the applicant, on instructions, makes statement that he will not enter in the vicinity of the village of Govindwadi, Tal. Majalgaon, Dist. Beed till filing of the charge-sheet. He however claims that since the applicant is Member of

Grampanchayat he may be permitted to attend the meetings of Grampanchayat.

5. Perusal of the first information report shows that there is no allegation against present applicant of causing assault on Samadhan who had sustained serious injuries in the crime in question. As far as applicant is concerned, allegations against him is that he caused assault on the nose of informant with handle of axe. This fact itself indicates that there was no intention of the applicant to kill informant. Apart from this perusal of the injury certificate shows that an abrasion was caused to the nose of informant. Thus, owing to the previous dispute between the parties this could be a case of over implication. As far as the alleged recovery is concerned, it is the applicant shall be treated in the custody of the police for the said purpose. The voluntary statement made by the counsel for the applicant is accepted that he will not enter the vicinity village of Govindwadi till filing of the charge-sheet except for attending the meetings of Grampanchayat. Hence application is allowed in terms of interim order dated 12th June, 2023.

(R. M. JOSHI, J.)

ssp