

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

ANTICIPATORY BAIL APPLICATION NO.868 OF 2023

**SHESHRAO S/O UTTAM CHAVHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. A. R. Lukhe, Advocate for the applicants
Mr. V. S. Badakh, APP for the respondent/State

**CORAM : R. M. JOSHI, J.
DATE : 28th JUNE, 2023**

P.C. :-

1. After hearing learned counsel for both sides when this Court has shown its disinclination to grant relief to the applicant No.1, learned counsel for the applicants, on instructions, seek leave to withdraw the application to the only of this applicant. Hence application is disposed of as withdrawn qua applicant No.1-Sheshrao

2. Applicants apprehend in arrest in connection with CR No. 309/2023 registered with Ambad Police Station, Tal. Ambad, Dist. Jalna for the offence punishable under Sections 354A, 328, 323, 504, 506 and 34 of IPC. The informant while admitted in the hospital gave report stating that at around 7.00 am. when she went to the agricultural field, applicants came to the spot. There is allegations against applicant No.1 that he abused and assault her. It is alleged against applicant No.2 that

with help of knife he caused injury to her chest. There is further allegation that all of them forced her to consume poisonous substance.

3. Learned counsel for the applicants states that prior to that on 18/11/2022 at the instance of applicant No.2 report was lodged against informant and others and therefore the present report is given by way of counter blast and falsely implicated applicants in the crime. He therefore seeks their enlargement of bail.

4. Learned APP opposed the application by stating that the injury certificate supports the first information report about causing of injury to the informant reference is also made to the medical papers showing that the informant was admitted in hospital and was treated for consumption of insecticide.

5. There is no denial of the fact that applicant No.2 had lodged report against informant and others and that there is a reason for the informant to either falsely implicate or over implicate the applicant. The contention of the informant about injury caused to her chest by knife is not supported by the injury certificate as this injury is an abrasion said to be caused with hard object, which cannot be attributed to knife. There is further nospecific allegation as to who made herto consume the poisonous

substance as alleged. There are no criminal antecedents of the present applicants. Hence appropriate directions to them to attend concerned police station will be sufficient further investigation if any. Hence the order.

ORDER

(i) application is disposed of as withdrawn qua applicant No.1-Sheshrao

(ii) In the event of arrest of applicant Nos. 2 and 3 in connection with Crime No. 309/2023, registered with Ambad Police Station, Tal. Ambad, Dist. Jalna for the offence punishable under Sections 354A, 328, 323, 504, 506, 34 of the IPC, they shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with one solvent surety in the like amount.

(iii) They shall attend the concerned police station once in a week.

(iv) They shall not contact the witnesses directly or indirectly.

(v) They shall not interfere with the evidence in any manner whatsoever.

(vi) They are further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

ssp