

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

ANTICIPATORY BAIL APPLICATION NO. 852 OF 2023
WITH APPLN/1979/2023 IN ABA/852/2023

ANANT DEVIDAS JADHAVAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Salunke Sudarshan J.
APP for Respondents : Mr. S.N. Morampalle
Advocate for Informant : Mr. N.P. Bangar

CORAM : R.M. JOSHI, J.
DATE : 12th June, 2023

PER COURT :

1. At the outset, learned APP states that for want of investigation papers, he is unable to work out the matter. Application filed by the counsel on behalf of the Informant to assist to PP stands allowed.

2. Learned counsel for the applicant states that though allegations are there against co-accused for causing assaulted with sickle on the head of injured Samadhan but the allegation against the applicant is restricted to causing of alleged assault on the nose of the informant with the handle of the Axe. He, therefore, contends that apparently, offence punishable under Section 307 of Cr.p.c. may not attract to the present case. He further states that except for the complaint under Section 138 of

the Negotiable Instruments Act, no other crime is registered against the applicant.

3. Learned APP and learned counsel for the informant opposed the grant of any relief to the applicant on the ground that applicant had accompanied co-accused and considering the assault caused on informant as well as injured witness the common intention of the accused can be gathered.

4. Perusal of the FIR shows that there was no assault caused by present applicant on the injured witnesses Samadhan. As far as the injury caused to the informant is concerned, it does not stand to any reason as to why the injury was caused not with the blade of Axe but with the handle. This indicates that applicant had no intention to kill informant.

5. In the circumstances, till the prosecution is heard in the matter, liberty of the applicant is protected. Hence, there would be ad-interim relief in terms of prayer clause 'c', subject to the following conditions :

ORDER

- i. Till next date, in the event of arrest of applicant in connection with Crime No. 112 of 2023, registered

with Majalgaon Rural Police Station, for the offences punishable under Sections 307, 324, 143, 147, 149, 323, 504, 506 of IPC, 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 once in a week.

iii. He shall not contact the witnesses directly or indirectly.

iv. He shall not interfere with the evidence in any manner whatsoever.

v. He is further directed to co-operate the investigating agency for further investigation.

6. Issue notice to respondents, returnable on 03rd July, 2023. Learned APP waives service of notice on behalf of respondent – State.

[R.M. JOSHI, J.]

SPChauhan