

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

909 ANTICIPATORY BAIL APPLICATION NO.920 OF 2023

PRAVIN BALASAHEB BHANDARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Nilesh S. Ghanekar
APP for Respondent – State : Ms. R.P. Gour

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CORAM : R. M. JOSHI, J.

DATE : 4th JULY, 2023

PER COURT :

- . Await service of notice of respondent no.2.
2. Learned APP waives notice on behalf of respondent no. 2.
3. Applicant is apprehending arrest in connection with Crime No. 99 of 2023 registered with Veergaon Police Station, Dist. Aurangabad for offence punishable under Section 326, 504, 506 r/w. 34 of the Indian Penal Code.
4. Learned counsel for applicant states that there are previous disputes between the parties and therefore false implication of applicant cannot be ruled out. In the First Information Report, it is

stated that the allegation of causing of injury to the wrist of the injured is against co-accused.

5. Learned APP vehemently opposed the application by submitting that there are specific allegations in the FIR against preset applicant as well as co-accused. By referring to the injury certificate, it is pointed out that a grievous injury was sustained to wrist by injured in the said incident of assault. Learned APP has also drawn attention of this Court to the Medical Certificate issued by the Private hospital indicating causing of fracture to the leg of the injured. When a query was made to learned APP as to how the bail could be granted to co-accused against whom more serious allegations are made, it was replied that co-accused is an advocate by profession and learned Sessions Court found that he could have been falsely implicated in the crime and therefore he was enlarged on bail.

6. She also drew attention of this Court to statement of witness who resides in the vicinity. Thus, according to prosecution, this is not fit case for grant of anticipatory bail.

7. Prima facie perusal of First Information Report as well as other record indicate that there are disputes between the parties. FIR indicates that allegation against co-accused is of using iron rod for assault on the wrist of the injured. Perusal of the injury certificate shows that the injury caused to the wrist is grievous injury and other injuries are simple in nature. The accused person, who has allegedly caused the said grievous injury, is already enlarged on bail. This court therefore finds no reason for not enlarging the present applicant also on pre-arrest bail. The learned Sessions Court has made observations that co-accused is an advocate and his false implication in this crime cannot be ruled out. This clearly indicates that there is reason to doubt about veracity of the First Information Report. In such circumstances, the liberty of applicant deserves to be protected. Hence following order.

ORDER

(i) Application is allowed on the same terms of the interim order dated 20.06.2023.

[R. M. JOSHI]
JUDGE

GGP