

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.921 OF 2023

RANJIT JANARDHAN MAWADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. R. M. Lone
APP for Respondents: Mr. S. N. Morampalle

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CORAM : R.M. JOSHI, J

DATE : AUGUST 09, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 118 of 2023 registered with Bhagya Nagar Police Station, Dist. Nanded for the offences punishable under Sections 326, 504 read with Section 34 of the Indian Penal Code.

2. Vivek gave information to the police on 21.03.2023 reporting incident occurred on 19.03.2023 at about 10.30 pm. It is alleged by him that present Applicants who are brother and nephew of the informant caused assault on him with knife and iron rod and in the said assault he sustained injuries.

3. Learned Counsel for the Applicants states that there are dispute between the parties which can be

ascertained from the fact that non-cognizable case was made by the Applicant against informant on 17.03.2023 and also letter was addressed to the Hon'ble President of India apprising about harassment caused by the informant to him. It is submitted that there is delay in lodging FIR and hence, false implication cannot be ruled out.

4. Learned APP opposed the application by submitting that allegations in the FIR gets support from the injury certificate placed on record.

5. Record indicates that there are dispute between the informant and Applicant No. 1, who are real brothers. The incident in question has occurred on 19.03.2023 where as report came to be lodged on 21.03.2023. Though it appears that due to his admission in the hospital for one day, the report could not be lodged. But allegation in the FIR about the Applicant No. 1 causing assault on his head with sharp edged knife is not supported by the injury certificate. Injuries caused to the informant are simple in nature and caused by hard and blunt object. Thus, there is reason to believe that this could be a case of

false/over implication. Perusal of the say of the investigating officer filed before learned Additional Sessions Judge shows that rod which was used in the assault has been recovered. Hence, nothing is to be recovered at the instance of present Applicants. Appropriate directions to Applicants to appear before the investigating officer for effective investigation, remained if any, would be sufficient.

6. In view of above, application stands allowed by confirming order dated 22nd June, 2023 with following conditions:

- (i) Applicant No. 1 shall remain present before the investigating officer once in a fortnight.
- (ii) Applicant No. 2 shall remain present before investigating officer as and when called with written notice.

(R.M. JOSHI, J.)

Malani