

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

911 ANTICIPATORY BAIL APPLICATION NO.958 OF 2023

LAXMAN BALBHIM RUPNUR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Vivekanand B. Deshmukh
APP for Respondents – State : Mr. S.P. Sonpawale

...
CORAM : R. M. JOSHI, J.
DATE : 7th JULY, 2023

PER COURT :

. Heard.

2. Issue notice to respondents. Learned APP waives service on behalf of respondents no.1 and 2 – State.

3. Applicant is apprehending arrest in connection with Crime No.98 of 2023 registered with Naldurg Police Station, Dist. Osmanabad for the offences under Section 307, 324, 323, 143, 147, 148, 149, 504, 506 of Indian Penal Code and Section 4 r/w. 25 of the Arms Act.

4. Informant - Mahadeo reported to the police that keeping grudge in mind over the Grampanchayat election, on 26.02.2023 at around 07:30 p.m. co-accused Narayan called him. At that time present applicant and others were present who had assaulted informant with fists and kick blows. It is further alleged that Ankush intervened in the said quarrel and at that time Ankush was assaulted by present applicant and co-accused Lingraj with iron fighter on the back side of his head. Further allegations are made against other accused of they assaulting the witnesses with weapons in their hands.

5. Learned counsel for applicant states that in fact applicant has sustained fracture injury in the said assault and that he is the victim of crime. It is contended that no injuries caused to Ankush as alleged in the FIR. According to him, owing to the previous disputes false complaint has been lodged against applicant. Reference is also made to the report lodged by brother of applicant in respect of the same incident.

6. Learned APP opposed application by contending that injury certificates on record show that there is substance in contention of informant about applicant and others caused injuries with weapons

to him and witnesses. According to him, it is not fit case for grant of anticipatory bail.

7. First Information Report clearly indicates that there were disputes relating to Grampanchyat elections. Registration of counter FIRs indicate that same incident is certainly occurred on 26.02.2023. However, question arises in present application as to whether there is any overt act alleged against applicant and it gets supported by other material on record. In the FIR, it is stated that Ankush was assaulted by applicant and Lingraj with iron fighter.

8. Perusal of injury certificate shows that one single abrasion injury was caused to Ankush. He was assaulted by two persons with fighter does not stand to any explanation as to why only single injury was caused to him. Applicant has placed on record documentary evidence to show that he sustained fracture of right forearm in said incident.

9. Having regard to aforesaid facts, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No.98 of 2023 registered with Naldurg Police Station, Dist. Osmanabad for the offences under Section 307, 324, 323, 143, 147, 148, 149, 504, 506 of Indian Penal Code and Section 4 r/w. 25 of the Arms Act, he be released on bail on furnishing PR Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount.
- (iii) He shall attend the concerned police station as and when called.
- (iv) He shall not contact the witnesses directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.

[R. M. JOSHI]
JUDGE

GGP