

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

ANTICIPATORY BAIL APPLICATION NO.960 OF 2023

1. Ravindra @ Ravi Namdev Pawar
2. Nikhil Shankar Salunkhe @ Patil
3. Sandip Shantaram Pawar
4. Shivaprasad @ Somnath Pravin Pawar

VERSUS

The State of Maharashtra
Through its Kasoda Police Station
Tal. Erandol, Distl Jalgaon.

Mr. V. B. Patil, Advocate for the applicants
Mr. S. N. Morampalle, APP for the respondent
Mr. D. D. Pande, Advocate for Assist to PP.

CORAM : R. M. JOSHI, J.

DATE : 20th JULY, 2023

P.C. :-

1. Heard.
2. Applicants apprehend arrest in connection with Crime No. 48/2022 registered with Kasoda Police Station, Dist. Jalgaon for the offences punishable under Sections 143, 147, 149, 324, 504, 506 of IPC and Sections 4 and 25 of Arms Act.
3. The informant Jagdish Patil reported to the police that on 3rd May, 2023 at around 9.30 pm an incident occurred in which the present

applicants assaulted him with stone and fist blows. There is allegation against the co-accused that the one of them assaulted him with sword on his head and others caused assault with wooden sticks.

4. Learned counsel for the applicants states that in respect of the said incident two other reports are lodged which are prior in time of the present first information report. It is contended that there are specific allegations against the applicants and others of causing assault on the informant. Thus, according to him the possibility of false implication/ over implication cannot be ruled out.

5. Learned APP and learned counsel for the informant opposed the said submission by contending that the allegation in the first information report are duly supported by the medical certificate placed on record. It is contended that the grievous injury was caused to the informant and it is not fit case for grant of anticipatory bail.

6. From the record it is clear that some incident definitely occurred on 3rd May, 2023 at around 9.30 pm. As far as present applicants are concerned, the perusal of the first information report shows that the allegation against them is about pelting of stones and beating the informant with fist blows. No allegation is made against them

for using any other weapon like co-accused. Perusal of the injury certificate shows that there was simple injury caused to the head which is attributable to the assault with sword. There is nothing on record to show that any injury was caused to the informant by throwing of stone at him by the applicants. As far as the offence punishable under Section 307 of IPC is concerned, owing to the alleged overt act against present applicants, the said offences not applicable to them. Custodial interrogation of the applicants is not necessary. They are not likely to flee from justice. Hence application is allowed in terms of interim order dated 21st June, 2023.

(R. M. JOSHI, J.)

ssp