

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 963 OF 2023

1. Sachin s/o Gopinath Yele
 2. Bhagwan s/o Dashrath Shejul
- Applicants

Versus

The State of Maharashtra

Respondent

Mr. S. B. Jadhav, Advocate for the applicants.
Mrs. R. P. Gour, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 27th JULY, 2023.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 186/2023 registered with Pachod Police Station, Dist Aurangabad, for the offences punishable under Sections 326, 323, 143, 147, 148, 149 of the Indian Penal Code.

2. Informant reported incident occurred on 8th May, 2023, wherein the present applicants and others abused and assaulted him.

3. Learned counsel for the applicants states that though initially offence was registered under Section 326 of the Indian Penal

Code, later on, it came to be dropped. It is contended that this could be a case of false implication.

4. Learned APP opposed the application by relying upon the investigation papers including the injury certificate.

5. Though perusal of First Information Report indicates that the present applicants assaulted the informant with wooden sticks, the statement of eye witness recorded during the course of investigation indicates that they assaulted the informant with fists and kicks blows. Perusal of injury certificate also shows that simple injuries were caused to the informant. Thus, there is substance in the contention of learned counsel for the applicants that offence punishable under Section 326 of the Indian Penal Code is not attracted to the present case.

6. Having regard to the nature of offence, it cannot go beyond Section 323 of the Indian Penal Code. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge