

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 981 OF 2023

Kunal S/o Nitin Marathe

Applicant

Versus

The State of Maharashtra

Respondent

Mr. S. S. Thombre, Advocate for the applicant.

Mr. N. B. Patil, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 1st DECEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0256/2023 registered with MIDC CIDCO Police Station, Dist. Aurangabad for the offences punishable under Sections 143, 147, 149, 307, 326, 341 of Indian Penal Code and Sections 3 and 25 of Arms Act.

2. First informant claims that he was driver on the vehicle which was carrying animals/cows. It is his contention that the vehicle was stopped by 15 to 20 unknown persons and they assaulted him with wooden sticks. No one is named in the First Information Report nor any specific role is alleged against the applicant.

3. Learned counsel for the applicant submits that applicant is a social worker taking up cause of illegal slaughter of animals and that in respect of the incident occurred on the same day he had lodged report with police. It is also pointed out by placing reliance on the documents on record that infact applicant had sustained injuries in the assault caused on him. It is his contention that there is no specific allegation against any one of causing any particular injury and hence it could be a case of false implication.

4. Learned APP opposed the application by relying upon the injury certificate of the informant which indicates that number of injuries were caused to him including one grievous injury.

5. Perusal of record indicates that in respect of the incident occurred on 25th May, 2023, at around 6.30 am, two reports came to be lodged i.e. one at the instance of present applicant and the other by informant. Record further indicates that applicant had sustained injuries. In this backdrop, perusal of First Information Report does not specify as to who has assaulted informant herein. Case diary indicates about seizure of incriminating articles already been done.

As such custodial interrogation of the applicant is not necessary. In view of this, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb