

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1007 OF 2023

Hari s/o Tukaram Berad

Applicant

Versus

The State of Maharashtra

Respondent

Mr. R. A. Jaiswal, Advocate for the applicant.

Mrs. G. L. Deshpande, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 21st JULY, 2023.

PER COURT :

1. Applicant is apprehending arrest in connection with Crime No. 0125/2023 registered with Paradh Police Station, Tq. Bhokardan, Dist. Jalna, for the offence punishable under Sections 307, 323, 143, 144, 147, 148, 149, 504, 506 of Indian Penal Code.

2. Informant has reported the incident occurred on 1st May, 2023 alleging that the applicant was standing in front of the house on road and on that count, dispute occurred between them. It is alleged

that the applicant took a stick from the hand of one Kasabai and assaulted him on his head.

3. Learned counsel for the applicant states that the applicant is schizophrenic patient and considering the nature of allegation against him, custodial interrogation of the applicant is not necessary. It is also stated that the alleged weapon used in the crime is already seized.

4. Learned APP opposed the application by referring to the statements of witnesses and injury certificate.

5. Perusal of the First Information Report shows that the applicant was not having any weapon in his hand and that he took the stick from the hand of another person and had beaten the informant with the said stick on his head. The injury certificate however shows incised wound which is practically impossible by a stick. This fact creates doubt about the genuineness of the First Information Report. Apart from this, the stick is already seized by the police hence, custodial interrogation of the applicant is not necessary. Hence, application is allowed in terms of the interim

order with a condition that the applicant shall appear before the Investigating Officer once in a week till filing of the charge-sheet.

(R. M. JOSHI)
Judge

dwb