

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1009 OF 2023

Vitthal Suresh Jogdand

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. S. E. Shekade, Advocate for the applicant.

Mr. S. P. Sonpawale, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 5th JULY, 2023.

PER COURT :

1. Learned APP waives service of notice on behalf of respondent No. 2.

2. By consent of both the sides, heard finally.

3. Applicant apprehends arrest in connection with Crime No. 0137/2023 registered with Beed Rural Police Station, Dist. Beed, for the offences punishable under Sections 143, 147, 148, 149, 323, 326, 341, 504, 506 of the Indian Penal Code.

4. Informant is a police personnel. On 25th May, 2023, at about 8.35 pm, he was proceeding with Mukesh on his scooty. While going towards Dhaba, two persons came on splendor motorcycle and they abused him. Thereafter at the said Dhaba, same persons came along with others and informant was assaulted with sharp edged weapon on his head by Jagdish. It is alleged that others caused assault on him with wooden stick.

5. Learned counsel for the applicant states that name of the applicant is not referred in the First Information Report nor specific allegation is there of causing assault on the informant. It is also submitted that the informant did not sustain any grievous injury in order to attract Section 326 of the Indian Penal Code.

6. Learned APP opposed the application by submitting that the First Information Report clearly states that the two persons who were riding the motorcycle belongs to present applicant. It is further stated that the statement of informant as well as Mukesh clearly show that apart from Jagdish, others assaulted the informant with wooden stick. To support his submission, he placed reliance on the injury certificate.

7. There is no dispute about the fact that the informant has mentioned registration number of the concerned vehicle which belongs to the present applicant. However, there is nothing to indicate that the present applicant was riding the said motorcycle at the relevant time. Apart from this, it is pertinent to note that there are omnibus allegations that others assaulted him with wooden sticks. There is specific statement that Jagdish caused assault with sharp edged weapon on his head. Said statement however does not get corroboration by the injury certificate as no injury is caused to the informant which can be attributed by sharp weapon. Thus, there is reason to believe that this is a case of over implication. In the aforesaid circumstances, application is allowed. Hence, the following order :-

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicant in connection with Crime No. 0137/2023, registered with Beed Rural Police Station, for the offences punishable under Sections 143, 147, 149, 149, 323, 326, 341, 504, 506 of the Indian Penal Code, 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 once in a week.

(iv) He shall not contact the witnesses directly or indirectly.

(v) He shall not interfere with the evidence in any manner whatsoever.

(vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI)
Judge

dyb