

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

ANTICIPATORY BAIL APPLICATION NO.1040 OF 2023

PARMESHWAR S/O ANKUSH INGOLE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. S. R. Shirsat

APP for Respondents: Mr. G. O. Watamwar

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CORAM : R.M. JOSHI, J

DATE : JULY 24, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 167/2023 registered with Dharur Police Station for the offences punishable under Section 143, 147, 326, 324, 323, 149, 504, 506 of the Indian Penal Code.

2. As per the first information report an incident occurred on 31.05.2023 at around 11.30 am wherein present Applicant and co-accused came to the spot, abused and assaulted informant and others. The allegations against present Applicant is that he with the stick caused assault on the left hand wrist of the informant.

3. Learned Counsel for the Applicant states that

there are dispute between the parties and the civil suit is also pending. He further drew attention of the Court to the report lodged by the co-accused in respect of the same incident indicating that present Applicant sustained injury as he was assaulted with sickle on the head. To support his submissions, he placed on record photocopy of the MLC of the present Applicant which indicates that he had sustained CLW to the size 7x1x1.5 cm with other injuries.

4. Learned APP opposed the application by submitting that there is specific allegation against present Applicant of use of stick to cause assault on the informant and the same is supported by the injury certificate placed on record. He further submits that presence of the Applicant on the spot cannot be disputed and his involvement in the crime is also apparent.

5. There is no denial of the fact that the parties are at loggerhead which led to filing of complaints against each other and pending civil suit between them. There is substance in the contention of learned APP that the presence of the Applicant at the

spot cannot be denied, however, it cannot be ignored that the present Applicant had sustained more serious injuries than the informant and other witnesses. Injury caused to the informant and others is simple in nature. Thus, the possibility of over implication of Applicant by informant cannot be ruled out. There are no criminal antecedents against present Applicant. For the purpose of recovery, if any, he can be treated in the custody of the police.

6. In view of above, application is allowed by confirming order dated 03rd July, 2023 with a condition that Applicant to attend concerned police station once in fortnight till filing of the charge-sheet.

(R.M. JOSHI, J.)

Malani