IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

933 ANTICIPATORY BAIL APPLICATION NO.1065 OF 2023

SUNIL GIRIDHAR MANE
VERSUS
THE STATE OF MAHARASHTRA
...
Advocate for Applicant : Mr. Sujit A. Patil h/f. Mr. Sachin V. Kuptekar
APP for Respondent – State : Mr. S.P. Sonpawale
...

CORAM : R. M. JOSHI, J.
DATE : AUGUST 1, 2023

PER COURT :

. Applicant is apprehending arrest in connection with Crime No.149 of 2023 registered with Chakur Police Station, Tal. Chakur, Dist. Latur for the offences punishable under Sections 323, 324, 326, 504, 506, 143, 147, 148, 149 of the Indian Penal Code.

2. Informant - Subhash reported the incident occurred on 22.04.2023 at 06:00 p.m. wherein he was assaulted by present applicant and co-accused.

3. Learned counsel for applicant states that the incident in

question is occurred on 22.04.2023, whereas the report is lodged on 24.04.2023. By referring to the order dated 20.06.2023 passed by the learned Additional Sessions Judge, it is pointed out that the weapons allegedly used in the crime are already seized. According to him, custodial interrogation of the applicant is not necessary. He further states that applicant has no criminal history.

4. Learned APP opposed the application by contending that the allegation in the FIR gets support from the statement of the witnesses as well as injury certificate placed on record. Thus, according to him, it is not fit case for grant of anticipatory bail.

5. Perusal of the FIR shows that the incident occurred on 22.04.2023 is reported belatedly after two days of its occurrence. It is known fact that the delay in lodging FIR gives scope for false or over implication. Admittedly, the weapon used in the crime is seized by the police. Thus, custody of the applicant is not necessary for the said purpose. The applicant has no criminal antecedents. Appropriate direction to the applicant to appear before the Investigating Officer would be sufficient for further investigation remained, if any. Hence application deserves to be allowed. Hence following order:

ORDER

(i) Application stands allowed.

(ii) In the event of arrest of applicant in connection with Crime No.149 of 2023 registered with Chakur Police Station, Tal. Chakur, Dist. Latur for the offences punishable under Sections 323, 324, 326, 504, 506, 143, 147, 148, 149 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 appear before the Investigating Officer once in fortnight till filing of charge-sheet.

(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 with the investigating agency for further investigation.

[R. M. JOSHI]
JUDGE

GGP