IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1071 OF 2023

RAHUL S/O DEVIDAS AVASARMOL @ AUSARMAL
VERSUS
THE COMMISSIONER OF POLICE AURANGABAD AND ANOTHER
...
Advocate for Applicant : Mr. A. R. Borulkar
APP for Respondents: Mr. V. S. Badakh
...

CORAM : R.M. JOSHI, J

DATE : JULY 28, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 249 OF 2024 registered with Mukundwadi Police Station, Dist. Aurangabad for the offences punishable under Sections 326, 324, 323, 504 of the Indian Penal Code.

2. On 09.06.2023 at around 06.00 pm Kashinath reported the incident occurred on 08.06.2023 at around 07.00 pm. It is his contention that present Applicant caused assault on him with iron rod. It is further alleged that in the said incident his son and wife were also assaulted.

3. Learned Counsel for the Applicant states that informant is notorious person and that there are number

of complaints made by the women residing in the area against his conduct. It is his submission that there is delay in lodging FIR and hence, false implication of the Applicant is not ruled out. He has further pointed out the report lodged by the wife of the Applicant against informant.

4. Learned APP strongly opposed the application. It is his contention that allegation in the FIR are duly supported by the injury certificate and statements of member of the family of informant. He further contends that custodial interrogation of the Applicant would be necessary for recovery of weapon.

5. Perusal of the record indicates that the wife of the Applicant had lodged report against present informant. The screenshot of the instagram is also placed on record, which indicates that unwanted comments were made by the informant against wife of the Applicant. There is further support to the contention of the learned Counsel for the Applicant that the informant is the person against whom number of women in the area have lodged complaint. To substantiate the said contention, he placed documents on record.

6. In the light of these facts, it is material to note that there is delay of 11 hours of lodging of the FIR. FIR registered by the wife of the Applicant is first in point of time. Thus, there is reason to believe that this could be a case of false implication and counter-blast to the said report. As far as alleged recovery of weapon is concerned, Applicant is directed to attend concerned police station and for the purpose of recovery, he shall be deemed in the custody of police.

7. In view of above, application is allowed by confirming order dated 07th July, 2023, with a condition that Applicant to attend concerned police station once in a month, till filing of the charge-sheet.

(R.M. JOSHI, J.)

Malani