

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

ANTICIPATORY BAIL APPLICATION NO.1093 OF 2023

ANITA W/O BABU RAMGIRWAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. U. B. Deshmukh
APP for Respondents: Mrs. G. L. Deshpande
Advocate for informant to assist APP: Mr. C. M. Ghodake

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CORAM : R.M. JOSHI, J

DATE : JULY 28, 2023

PER COURT :

1. At the outset, Mr. C. M. Ghodake states that he has instructions to appear on behalf of informant to assist APP.

2. Considering the nature offence, permission is granted.

3. Applicant apprehends arrest in connection with with C.R. No. 191 of 2023 registered with Bhokar Police Station, Tq. Bhokar, Dist. Nanded for the offences punishable under Sections 307, 323, 504 read with 54 of the Indian Penal Code.

4. Shiva gave information to the police about occurrence of incident on 26.05.2023 wherein co-accused

Babu assaulted him with axe on head. There is allegation against Applicants that they too assaulted informant with stick and iron pipe.

5. Learned Counsel for the Applicants states that there are disputes between parties that Applicant had lodged complaint against informant on 26.05.2023 to the effect that the informant herein had assaulted Applicant No. 1. It is the contention of the Counsel for the Applicants that though allegations are made in the FIR, the same are not supported by medical certificate.

6. Learned APP opposed the application by submitting that there are statements of witnesses which indicate that the incident in question has happened as stated by the informant. According to her, the allegations against present Applicants get support from these statements.

7. Learned Counsel for the informant straneously argued and opposed the grant of anticipatory bail by referring to the photographs of the informant. It is submitted that serious injuries are caused on the

head of informant. Thus, according to him, offence punishable 307 of IPC is attributable not only to the co-accused but also to present Applicants.

8. It seems that there are disputes between informant side and Applicants. The lodging of the reports against each other confirms the said fact. As far as allegations against present Applicants are concerned, the injury caused to the head of the informant is not attributable to them. Perusal of the injury certificate indicates that no other injury is caused to the informant and hence, there is no support to the allegations against Applicants of causing assault with stick and iron pipe. Apart from this, it is categorically recorded by medial officer in the MLC that informant was under the influence of alcohol. The other injury of abrasion could be attributable to the alcoholness of the informant.

9. In view of above, application is allowed by confirming order dated 07th July, 2023.

(R.M. JOSHI, J.)

Malani