

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1099 OF 2023

Sambhaji s/o Maruti Chavhan

Applicant

Versus

The State of Maharashtra & others

Respondents

Mr. A. T. Jadhavar, Advocate for the applicant.

Mr. S. B. Jadhav, APP for the State.

Mr. Mohammed Amir, Advocate holding for Mr. S. S. Shaikh, Advocate for respondent No. 3.

CORAM : R. M. JOSHI, J.

DATE : 6th DECEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 168/2023, registered with Dhoki Police Station, Dist. Osmanabad, for the offences punishable under Sections 324, 354, 354A, 143, 147, 148, 149 of Indian Penal Code and Sections 8 and 12 of Protection of Children from Sexual Offences Act.

2. Learned counsel for applicant submits that the allegation against the present applicant is similar as against the other accused persons who were granted bail by learned Additional Sessions Judge

by order dated 3rd June, 2023 passed in Criminal Bail Application No. 266/2023. It is his contention that the alleged supplementary statement of the informant has been recorded subsequently showing use of weapon by the present applicant.

3. Learned APP and learned counsel for informant opposed the application by relying upon supplementary statement of informant wherein he claims that the other accused persons abused him whereas Sambhaji Langude and Sambhaji Chavhan (applicant) assaulted him with stick. In this regard, reference is made to injury certificate. They also relied upon the statement of daughter of informant who has alleged that she was harassed and her modesty was outraged by one of the accused persons.

4. First Information Report runs contrary to the statement of the daughter of the informant. She gives altogether different version of the incident in question. Pertinently, another report came to be lodged by one of the accused herein in respect of the incident occurred on that day at 10.00 pm. Perusal of injury certificate indicates that injuries were caused with sharp weapon. This does not corroborate the allegation made against the accused who is

alleged to have used stick in the said assault. Thus, possibility of false/over implication cannot be ruled out. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb