

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1157 OF 2023

Bhausahab Sahebrao Jagtap

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. R. L. Kute, Advocate for the applicant.

Mr. S. P. Sonpawale, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 6th NOVEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0429/2023 registered with Shirdi Police Station, Tq Rahata, Dist. Ahmednagar for the offences punishable under Sections 307, 323, 504, 506, 143, 147, 149 of Indian Penal Code.

2. First Information Report indicates that on 31st May, 2023 at around 7.00 pm, co-accused who are named in the report came to his hotel. Co-accused Kunal claimed himself to be a don of Shirdi and he assaulted informant with chopper. In the said assault, he sustained injuries to calf of right leg. It is also alleged that the other persons also assaulted him with iron rod and paver block.

3. Learned counsel for the applicant submits that the applicant was not present on the spot and merely on the basis of statement of co-accused, his involvement in the crime cannot be presumed.

4. Learned APP opposed the application by submitting that there are six crimes registered against the applicant and in view of the fact that co-accused named his presence at the spot, his involvement is prima facie seen in this crime.

5. Order passed by learned Additional Sessions Judge rejecting the application for anticipatory bail of the present applicant indicates that there is business rivalry between the applicant and informant. Thus, owing to the said rivalry, possibility of false implication always exists. Admittedly, applicant is known to the informant and inspite of the same, he does not refer his presence on the spot nor it is alleged that he is an assailant. Merely because co-accused claimed that he is a man of applicant, it cannot be presumed that he is involved in the crime in question. Since applicant is not involved in the actual assault, nothing is to be recovered at his

instance. Having regard to these facts, it is a fit case wherein liberty of the applicant deserves to be protected. Hence, application is allowed in terms of the interim order. Having regard to the criminal history, he is directed to appear before concerned Police Station once in a week till filing of the charge-sheet.

(R. M. JOSHI)
Judge

dyb