

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

ANTICIPATORY BAIL APPLICATION NO.1330 OF 2023

SHUBHAM RAJESH BHIVSANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. M. R. Jadhav
APP for Respondents: Mr. V. S. Badakh

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CORAM : R.M. JOSHI, J

DATE : SEPTEMBER 04, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 444 of 2023 registered with CIDCO Police Station, Dist. Aurangabad for the offences punishable under Sections 307, 323, 504 read with Section 34 of the Indian Penal Code.

2. Kiran gave information to the police about the incident occurred on 04.07.2023 at around 10.30 pm alleging that while he was going on his motorcycle from N-7 Cidco towards his house, co-accused stopped him. It is alleged that the present Applicants had beaten him with fist blows and co-accused Chandradip assaulted him with knife on his abdomen.

3. Learned Counsel for the Applicants states that

there are no allegations against the present Applicants of causing any serious injury to the informant and that they have used any weapon in the said crime.

4. Learned APP opposed the application by relying upon the injury certificate which indicates that special injury was caused to the informant.

5. Perusal of the FIR itself shows that the allegations against present Applicants is about they assaulting him with fist blows. There is no allegation that they used any weapon. Injury certificate though shows that the stab wound was caused to the informant. This injury cannot be attributed to the present Applicant. Hence, their custodial interrogation is not necessary. Hence, application stands allowed by confirming order dated 21st August, 2023 with a condition that Applicants to attend concerned police station till filing of charge-sheet once in fortnight.

(R.M. JOSHI, J.)

Malani