

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1336 OF 2023

Bhivsen Bajirao Ghorpade

Applicant

Versus

The State of Maharashtra

Respondent

Mr. R. R. Karpe, Advocate for the applicant.

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

CORAM : R. M. JOSHI, J.

DATE : 31st AUGUST, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 818/2023, registered with Tofkhana Police Station, Dist. Ahmednagar, for the offences punishable under Sections 307, 143, 144, 147, 148, 149, 323, 504, 506 of Indian Penal Code and under Section 4/25 of Arms Act.

2. Informant reported incident occurred on 2nd June, 2023 at 7.30 pm wherein the applicant and co-accused assaulted him. There is allegation against the co-accused that he assaulted the informant on his head with sickle. Further allegations reveal that

applicant and other three accused assaulted him with iron rod and wooden stick on his legs.

3. Learned counsel for applicant submits that there are disputes between the parties as it can be seen from the First Information Report itself. It is his submission that the co-accused was arrested and enlarged on bail. As far as present applicant is concerned, it is contended that there are no specific allegations against him and the allegations of causing assault on the legs of the informant are omnibus.

4. Learned APP opposed the application by referring to the injury certificate of the informant which indicates that CLW was caused on the forehead as well as fracture to the lower end of tibia and fibula.

5. First Information Report clearly indicates that there are disputes between the parties. It is pointed out that number of offences are registered by the applicant and his family members against the informant. It is seen from the First Information Report that four persons alleged to have caused assault on the legs of the

informant whereas two injuries are seen on his legs; one of them is fracture to tibia and fibula. From perusal of First Information Report as well as injury certificate it cannot be said as to whom the said injury can be attributed. There is no dispute about the fact that all weapons including the one alleged used by the present applicant are already seized. Having regard to the dispute between the parties, possibility of over implication cannot be ruled out. Hence, application is allowed in following terms :-

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No. 818/2023, registered with Tofkhana Police Station, Dist. ahmednagar, for the offences punishable under Sections 307, 143, 144, 147, 148, 149, 323, 504, 506 of the Indian Penal Code and Section 4/25 of Arms Act, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount.
- (iii) He shall attend the concerned police station once in a week.

(iv) He shall not contact the witnesses directly or indirectly.

(v) He shall not interfere with the evidence in any manner whatsoever.

(vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI)
Judge

dyb