

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

ANTICIPATORY BAIL APPLICATION NO.1337 OF 2023

GANESH ASHOK KATORE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. H. P. Randhir
APP for Respondents: Mr. S. W. Munde
...

CORAM : R.M. JOSHI, J

DATE : AUGUST 23, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 740 of 2023 registered with Newasa Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 504, 506 read with Section 34 of the Indian Penal Code.

2. It is the contention of informant that an incident occurred on 04.07.2023 in which present Applicant and co-accused abused and assaulted informant over the issue of previous dispute with co-accused and informant. There is allegation that the accused assaulted him with iron rod on his head and the present Applicant assaulted him with stones twice on his head.

3. Learned Counsel for the Applicant states that there is delay in lodging of the FIR and having regard to the simple nature of injuries caused to the informant, the offence punishable under Section 307 of IPC does not attract.

4. Learned APP opposed the said contention by submitting that though the nature of injury caused to the informant is simple, however, 16 stitches were required to be applied to the said wound, which indicates seriousness of injury. According to him, there is specific allegation against the Applicant of causing assault twice on the head of informant with stones. Hence, this is not fit case to grant anticipatory bail.

5. The incident in question has occurred on 04.07.2023 whereas the report is lodged on 07.07.2023. Perusal of the injury certificate of the informant shows that two injuries were caused to him on his head. The allegation in the FIR is about causing of independent injuries by the Applicant as well as co-accused. Considering the fact that simple injuries were caused to informant that would not have precluded informant for lodging of the report to the concerned

police station immediately. Lodging of the report after three days of occurrence of the incident, creates possibility of over implication. Since, there is no allegation that the present Applicant was having any weapon with him, the question of any custodial interrogation for recovery of the same, does not arise.

6. Having regard to the aforesaid facts, the application is allowed. Hence, the order:

O R D E R

- (i) In the event of arrest the of Applicant in connection with with C.R. No. 740 of 2023 registered with Newasa Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 504, 506 read with Section 34 of the Indian Penal Code, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- (ii) He shall attend the concerned police station once in a week till filing of the charge-sheet.
- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)