



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

ANTICIPATORY BAIL APPLICATION NO.1360 OF 2023

PREMANAND BHIKAJI GADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. A. R. Lukhe, Advocate for the applicants
Mr. S. B. Jadhav, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 7th DECEMBER, 2023

P.C. :-

1. Applicants apprehend arrest in connection with Crime No. 276/2023 registered with Gondi Police Station for the offences punishable under Sections 326, 324, 323, 504, 506 and 34 of IPC.
2. First informant Sunita reported to the police incident occurred on 18/06/2023 in which it is alleged that the present applicants along with co-accused assaulted her and her mother. The allegation against the applicant No.2 is that he pulled her hair and hence the injury caused to the her head.
3. Learned counsel for the applicants submits that the accused against whom there is allegation of taking bite to the ear of the informant is already arrested and enlarged on bail. Present applicant is concerned, according to him this is a case of false implication.

4. Learned APP opposed the application by relying upon statement of informant and witnesses.

5. Though there is allegation in the first information report that injuries were caused to the head of the informant owing to the act of pulling of her hair by the applicant No.2, the injury certificate does not corroborate the said allegation. Thus, this Court finds substance in the contention of the learned counsel for the applicants that this could be a case of over implication. Nothing is to be recovered at their instance. No criminal history against them. Hence, application is allowed in terms of interim order dated 21st August, 2023.

(R. M. JOSHI, J.)

ssp