

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1415 OF 2023

1. Ganesh s/o Satyawan Jadhav

2. Satyawan s/o Ambu Jadhav

3. Deepak s/o Bhagwan Anarse

4. Mauli s/o Sahadeorao Raut

Applicants

Versus

The State of Maharashtra & another

Respondents

Mr. N. B. Narwade, Advocate for the applicants.

Mrs. G. L. Deshpande, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 1st NOVEMBER, 2023.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 0417/2023 registered with Karjat Police Station, Dist. Ahmednagar for the offences punishable under Sections 323, 324, 325, 326, 504, 506 read with Section 34 of Indian Penal Code.

2. When this Court has shown disinclination to grant relief to applicant No. 3 Deepak, learned counsel for applicants, on instructions, seeks withdrawal of application to his extent.

3. Application is dismissed as withdrawn qua applicant No. 3 Deepak.

4. First informant Akash reported incident dated 19th June, 2023 wherein he was assaulted by the applicants and others with fists and kicks blows. There is allegation against Ganesh that he assaulted informant with stick on his back whereas accused Deepak assaulted him with a fighter on his face resulting into fracture of his tooth.

5. Learned counsel for applicant submits that there is delay of 14 days in lodging report which indicates possibility of false/over implication. It is also submitted that it appears from the First Information Report that there are disputes between the parties. It is submitted that the offence punishable under Section 326 of Indian Penal Code does not get attracted against the applicants and hence, they are entitled to anticipatory bail.

6. Learned APP opposed the application contending that the informant had sustained three injuries one of which is grievous

injury. It is also submitted that since the informant was hospitalised, delay in lodging First Information Report is not fatal.

7. There is substance in the contention of learned APP that delay is not deliberate in view of the fact that informant was hospitalised. However, allegations against the applicants No. 1, 2 and 4 is causing assault with fists and kicks blows and applicant No. 4 Ganesh by stick on the back of the informant. Grievous injury is not attributable to applicants No. 1, 2 and 4. Offence against them could not travel beyond Sections 323 and 324 of Indian Penal Code.

8. Having regard to these facts, liberty of applicants No. 1, 2 and 4 deserve to be protected. Hence, application is allowed in terms of the interim order to the extent of all applicants except applicant No. 3 Deepak.

(R. M. JOSHI)
Judge

dyb