

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1451 OF 2023

SACHIN BHANUDAS INGLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. G. G. Suryawanshi
APP for Respondents: Mr. G. O. Wattamwar
...

CORAM : R.M. JOSHI, J
DATE : OCTOBER 30, 2023

PER COURT :

1. At the outset, when this Court has shown its disinclination to grant any relief to Applicant No. 1 – Sachin Ingle, learned Counsel for Applicants, on instructions, seeks withdrawal of the Application to his extent.
2. Application stands dismissed as withdrawn *qua* Applicant No. 1.
3. Applicants apprehend arrest in connection with with C.R. No. 84 of 2023 registered with Naigaon Police Station, Dist. Nanded for the offences punishable under Sections 326, 324, 323, 504 read with Section 34 of the Indian Penal Code.

4. On 26.06.2023 Sadashiv gave report in respect of incident occurred on 17.06.2023 wherein he was assaulted by the Applicants with spade, knife and sticks. It is alleged that in the said incident informant sustained fracture injury on his wrist.

5. Learned Counsel for the Applicants submits that in respect of the same incident report came to be lodged by Applicant No. 1 on 17.06.2023 itself. Thus, according to him, there is no reference about the presence of Sadashiv at the spot in the said report. Thus, it is his contention that having regard to the delay in lodging of FIR and since name of Sadashiv in the report lodged by Applicant No. 1, it is a case of false/over implication.

6. Learned APP opposed the application by placing reliance on the injury certificate of Sadashiv as well as Laxman. It is submitted that the allegations against Applicant No. 2 of causing injury to Laxman with knife. Thus, according to him, it is not a fit case for grant of pre-arrest bail.

7. From the counter reports in respect of

incident dated 17.06.2023 it is clear that some incident has definitely occurred. Applicant No. 1 had lodged report in respect of said incident immediately. Informant in the present case is aged about 70 years and had sustained grievous injury and has stated in the FIR that he was treated in the more than one hospitals. Having regard to the said fact, the delay caused in lodging FIR though may not become sole ground for rejection of application, however, at the same time it cannot be ignored that the possibility of over implication is also not ruled out.

8. As far as applicant nos. 2 and 3 are concerned, there are no allegations against them of causing any grievous injury to the informant and witnesses. Having regard to the said facts, offence lodged against them cannot travel offence under Section 324 of IPC. There are no criminal antecedents of these Applicants. Their liberty deserves to be protected. For the purpose of recovery of weapon, if any, they shall be treated in the deemed custody of investigating officer.

9. In view of above, application is allowed in

terms of interim order dated 30th August, 2023 *qua*
Applicant Nos. 2 and 3.

(R.M. JOSHI, J.)

Malani