

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1460 OF 2023

Manoj @ Manohar s/o Pralhad Kadam & another Applicants

Versus

The State of Maharashtra & another Respondents

Mr. A. R. Hange, Advocate for the applicants.
Mr. V. S. Badakh, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 27th OCTOBER, 2023.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 193/2023 registered with Ashti Police Station, Tq. Ashti, Dist. Beed for the offences punishable under Sections 143, 147, 148, 149, 326, 325, 323, 427, 504, 506 of Indian Penal Code.

2. Informant reported incident occurred on 5th May, 2023 to the police by stating that on that day at around 6.00 pm, he was going towards his agricultural land. At that time, applicants and co-accused stopped him. They abused and assaulted him. It is alleged against the present applicants that by using iron rod fracture injury was caused to his figure of the right hand. There is allegation against

the co-accused that they assaulted him with wooden stick on his back and legs.

3. Learned counsel for applicants submits that there is inordinate delay in lodging report and the same has been lodged on 11th June, 2023. It is his submission that the allegation in the First Information Report does not get corroboration by evidence on record and there is no witness to the alleged incident.

4. Learned APP opposed the application by contending that fracture injury is caused to the informant as indicated by medical certificate issued by Sai Mauli Hospital, Ahmednagar.

5. The incident in question has occurred on 6.00 pm. Statement of the informant is alleged recorded on 7th May, 2023 however, report is lodged belatedly on 11th May, 2023 without explanation therefor. First Information Report indicates that number of persons caused assault on the informant and in the said assault he sustained injuries on his back, leg etc. Perusal of the injury certificate however does not show any such injuries caused to him. There is allegation that two accused persons who were holding iron

rods in their hands caused assault on him and fracture was caused to the finger of the informant. The injury certificate does not support the allegations made against the present applicant. Having regard to the fact that there is delay in lodging First Information Report, false/over implication cannot be ruled out. Hence, application is allowed in terms of the interim order. For the purpose of recovery of weapon if any, applicants are deemed to be in custody of police.

(R. M. JOSHI)
Judge

dyb