

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

ANTICIPATORY BAIL APPLICATION NO.1519 OF 2023

PRATIK PRAVIN DHEMBRE
VERSUS
THE STATE OF MAHARASHTRA

Mr. A. G. Jadhav, Advocate for the applicant
Mr. V. S. Badakh, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 4th NOVEMBER , 2023

P.C. :-

1. Heard.
2. Applicant apprehends arrest in connection with Crime No. 440/2022 registered with Shivajinagar Police Station, District Nanded for the offences punishable under Sections 307, 143, 144, 147, 148, 149 of the Indian Penal Code and under Section 4/25 of the Arms Act.
3. First informant is injured who has reported to the police incident occurred on 7th December, 2022 at around 06.45 pm wherein it is alleged that co-accused along with the applicant came to the spot with weapon in their hands. Specific allegations are made against some of the co-accused person of they causing actual assault on the informant.
4. Learned counsel for the applicant states that there are no specific

allegations against present applicant of causing any assault on the informant. Hence, he prays grant of pre arrest bail to the applicant.

5. Learned APP opposed the said application by relying upon the statement under Section 164 of Cr.P.C. recorded of the informant wherein the allegation is made against the present applicant that he caused assault on the head of the informant. He also relied upon the injury certificate in order to oppose the application.

6. First information report lodged on 9th December, 2022 does not show any overtact being committed by the present applicant. In the statement under Section 164 of Cr.P.C. recorded on 15th December, 2022 the informant who claims that the present applicant has assaulted him on his head however, the said contention does not get support from the medical certificate. The medical certificate indicates that a single grievous injury caused to the informant which is not attributable to the present applicant. There are no criminal antecedents against the the applicant and he is not likely to flee from justice. Hence the application is allowed in terms of interim order dated 13th September, 2023.

(R. M. JOSHI, J.)

ssp