

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1529 OF 2023

Chandradeep Sitaram Ambhore

Applicant

Versus

The Superintendent of Police & another

Respondents

Mr. M. R. Jadhav and Mr. D. S. Patil, Advocates for the applicant.  
Mr. S. P. Sonpawale, APP for the State.  
Mr. A. L. Kanade, Advocate for the informant.

WITH  
CRIMINAL APPLICATION NO. 3705 OF 2023

**CORAM : R. M. JOSHI, J.**  
DATE : 13<sup>th</sup> OCTOBER, 2023.

ORDER

1. At the outset learned counsel for applicant in Criminal Application No. 3705/2023 seeks leave to assist learned APP. Having regard to the nature of offence, leave granted. Criminal Application No. 3705/2023 is allowed.

2. Applicant apprehends arrest in connection with Crime No. 0444/2023 registered with Cidco Police Station, District

Aurangabad for the offences punishable under Sections 307, 323, 504 read with Section 34 of Indian Penal Code.

3. First informant Kiran alleges that on 4<sup>th</sup> July, 2023, at around 10.30 pm, when he was going on motorcycle from N-7 Cidco to his residence at Ambedkar Nagar, Chandradeep (applicant) obstructed him and started abusing him. When he questioned about said abusing, he was assaulted by Chandradeep and others. There is specific allegation against Chandradeep that he removed knife tuck to his waist and caused assault on his abdomen. A friend of the informant came to the spot and he was admitted in Ghati Hospital.

4. Learned counsel for the applicant submits that there is delay in lodging First Information Report and apparently, it is a case of exaggeration. It is his further submission that no serious injury has been caused to the applicant and hence offence under Section 307 or 326 of Indian Penal Code does not get attracted. It is his contention that since the charge-sheet is filed, custodial interrogation of the applicant is not necessary and hence he is entitled to pre-arrest bail.

5. Learned APP opposed the application by referring to the statement of injured/informant and injury certificate. It is his contention that injury was caused to the vital part of the body and that serious offence is prima facie made out against the applicant. By referring to the record, it is his contention that there are as many as seven offences registered against applicant which include bodily offences.

6. Merely because charge-sheet is filed, that will not automatically lead to grant of anticipatory bail in each case. The Court has to see seriousness of the crime and antecedents of the applicant before granting such relief. Perusal of the First Information Report shows that immediately after the incident, informant was required to be hospitalised. In such circumstances, there is no delay in lodging of the report. As far as allegations against the present applicants are concerned, the report shows that without any provocation at the hands of informant, applicant started abusing him and when he opposed the same, applicant caused assault on the vital parts of the informant with a knife which he was possessing with him. It is thus clear that the applicant was armed at that time and that the intention of the applicant was to inflict serious injury to the

informant which may lead to his death also. In such circumstances, this Court finds substance in the contention of learned APP that this is a serious case which prima facie shows offence punishable under Section 307 being attracted against the applicant. Apart from this, it is pertinent to note that there are as many as seven offences registered against the applicant which involve bodily offences.

7. Having regard to the facts of the case, prima facie, this Court is of the view that it is not a fit case for grant of anticipatory bail. Hence, application is rejected.

**( R. M. JOSHI )**  
**Judge**

dyb