

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

ANTICIPATORY BAIL APPLICATION NO.1637 OF 2023

VINAYAK SITARAM GARUDKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. A. B. Jagtap, Advocate for the applicant
Mrs. G. L. Deshpande, APP for the respondent/State
Mr. N. B. Patekar, Advocate for the informant

CORAM : R. M. JOSHI, J.

DATE : 8th NOVEMBER , 2023

P.C. :-

1. Applicant apprehends arrest in connection with Crime No. 475/2023 registered with Ahmednagar Taluka Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 324, 323, 504, 506, 143, 147, 148, 149 of the IPC and under Sections 4/25 of the Arms Act.

2. The first informant Natha Deshmukh reported incident occurred on 03/06/2023 in which there was assault caused by the applicant and the co-accused on the informant and witnesses. There are allegations against the present applicant as he assaulted Yogesh with iron pipe on his leg. There is also allegation that all the accused caused assault on the witnesses.

3. Learned counsel for the applicant submits that there are counter complaints in respect of the same incident and in fact the informant itself was aggressor. He claims that applicant himself sustained fracture injury to his arm. According to him, owing to the previous dispute between the parties the possibility of false/over implication is not ruled out.

4. Learned APP and learned counsel for the informant opposed the application by relying upon the injury certificate which indicates that four persons sustained injuries in the said assault. It is also pointed out that witness Balasaheb had sustained two grievous injuries and hence according to them, could not a case for grant of anticipatory bail.

5. The previous disputes create possibility of false /over implication. There is specific allegation against the co-accused of causing assault on Balasaheb and grievous injuries can be attributable to the co-accused and not against the present applicant. The allegation against the applicant is of causing assault on the Yogesh with iron pipe on his leg. But injury certificate indicates that the injury caused to this witness simple in nature. As against there is a claim of the applicant and he sustained fracture injury to his hand. The video sought to be placed before this Court does not indicate any weapon held by the applicant in his hand. In view of this, this is a case of false/over implication. Hence, following order:

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicant in connection with Crime No. 475/2023, registered with Ahmednagar Taluka Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 324, 323, 504, 506, 143, 147, 148, 149 of the IPC and under Sections 4/25 of the Arms Act, he shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety in the like amount.

(iii) He shall attend the concerned police station till filing of the charge-sheet.

(vi) He shall not contact the witnesses directly or indirectly.

(v) He shall not interfere with the evidence in any manner whatsoever.

(vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

ssp