



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

ANTICIPATORY BAIL APPLICATION NO. 1642 OF 2023

1. Dnyaneshwar Namdev Bansode
2. Shubham Dnyaneshwar Bansode

VERSUS

The State Of Maharashtra And Another

Mr. S. E. Shekade, Advocate for the applicants
Mr. S. B. Jadhav, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 13th DECEMBER, 2023

P.C. :-

1. When this Court has shown its disinclination to grant relief to the applicant No.2, learned counsel for the applicants, on instructions, seeks leave to withdraw the application to the extent of applicant No.2. Application is dismissed as withdraw to the extent of application No.2.
2. Applicant No.1 apprehends arrest in connection with Crime No. 150/2023 registered with Ambhora Police Station, District Beed for the offences punishable under Sections 315, 325, 324, 323, 143, 147, 148, 149, 504, 506 of IPC.
3. Shivaji Bansode gave the report to the police in respect of the incident occurred on 2nd August, 2023 at 8.30 am. He claims that he was

assaulted by applicants and co-accused, in which he sustained injury to his neck and other parts of the body. It is also alleged that his pregnant wife was also assaulted by the applicants and which has resulted into causing of her abortion.

4. Learned counsel for the applicants submits that there is delay of four days in lodging of the report and which creates possibility of false implication. He further argues that the grievous injury is not attributable to the present applicant No.1 and considering the fact that the weapon allegedly used by him has been recovered, his custodial interrogation is not necessary.

5. Learned APP opposed the application by submitting that the circumstances explained the delay and hence the same has not fatal to the case of prosecution. According to him applicant has assaulted with weapon and hence it is not a fit case for grant anticipatory bail.

6. Perusal of the record indicates that the report is lodged after four days. Though, this Court finds substance in the contention of the learned APP that there are circumstances which could have prevented the informant from lodging the report immediately. In any case, the alleged grievous injury however is not attributable to the present applicant. The weapon is used in the crime is already recovered. Hence, his custodial

interrogation is not necessary. There is no criminal history against applicant No.1. Hence the application is allowed in terms of interim order dated 13th October, 2023 to the extent of applicant No.1.

(R. M. JOSHI, J.)

ssp