



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

ANTICIPATORY BAIL APPLICATION NO. 1752 OF 2023

1. Kiran Pravinsingh Rajput
2. Kunal Mahendrasingh Rajput
3. Chetan Sudamsingh Rajput

VERSUS

The State Of Maharashtra

Mr. P. S. Salunke, 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. Appearance of Mr. A. B. Girase, learned counsel stands discharged.
2. Applicants apprehend arrest in connection with Crime No. 133/2023 registered with Thalner Police Station, Tq. Shirpur, Dist. Dhule for the offences punishable under Sections 307, 324, 323, 354, 427, 143, 147, 148, 149, 504, 506 of IPC and under Section 4/25 of Arms Act.
3. First informant Mahendra reported incident occurred on 09th September, 2023 at around 7.00 pm wherein it is claimed that he and his parents were assaulted by the applicants and other co-accused. The allegations against the applicant Nos. 2 and 3 is that they assaulted him

with wooden log and co-accused assaulted on his head with sword.

4. Learned counsel for applicants submits that there are counter complaints in respect of the said incident. According to him this is a case of false implication. He also points out that even the name of applicant No.1 is not referred in the first information report.

5. Learned APP opposed the application by relying upon the statements of witnesses and injury certificate in particular.

6. Perusal of the injury certificate of Samadhan shows that he sustained one head injury which is not attributable to the present applicants. Surprisingly there is one more injury mentioned which is simple in nature is "Bodyache". Another certificate issued of Pratp Patil mentioned about "sever back pain" this is claimed to be simple injury so also general witness in said to be injury and nature of injury is described as simple injury. This Court is surprised to see that in such manner injury certificates are issued in Government Hospital. Hence this order be sent to the Secretary, Health Department for looking in to the matter.

7. Reverting back to the present application as rightly argued by the learned counsel for the applicants that this could be a case of false implication as injury certificates do no support the allegations against applicant Nos.2 and 3. Needless to say that applicant No.1 is not even

referred in the first information report. Hence, the application is allowed in terms of interim order dated 20th October, 2023.

(R. M. JOSHI, J.)

ssp