

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1837 OF 2023

Sujit Madhukar Rathod

Applicant

Versus

The State of Maharashtra

Respondent

Mr. A. D. Khot, along with Mr. P. D. Bachate, Advocates for the applicant.

Mr. V. S. Badakh, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 10th NOVEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 204/2023 registered with Himayatnagar Police Station, Dist. Nanded, for the offences punishable under Sections 307, 452, 327, 354, 143, 147, 148, 149, 427, 504, 506 of the Indian Penal Code.

2. First informant is the daughter-in-law of Savitribai, Sarpanch of the village, who claims that on 7th October, 2023, applicant and other accused persons entered her house and assaulted Savitribai. Allegations against applicant as well as co-accused are causing said assault and taking away gold ornaments

and cash from the house. It is also alleged that applicant abused her and with ill motive caught hold her saree.

3. Learned counsel for the applicant submits that though allegations are made against the applicant in the First Information Report however, owing to the fact that on 18th September, 2023, a report was lodged by the brother of the applicant against the Sarpanch and her family members, this could be a case of false/over implication. It is submitted that the allegation against the applicant of causing assault with panch is not supported by injury certificate as the said injury caused to the nose of the injured is by hard and blunt object. By referring to the order of rejection of regular bail of the co-accused it is submitted that said injury by hard and blunt objection is attributable not to the applicant but to the co-accused.

4. Learned APP opposed the application by relying upon statements of witnesses recorded under Section 161 and 164 of Code of Criminal Procedure. Reference is also made to the injury certificate indicating cause of that injury to the injured.

5. Record indicates that on 18th September, 2023, report was lodged by the brother of the applicant against the Sarpanch and her family members for causing assault on them. In the report lodged by the informant, there is no allegation that applicant had caught hold her hand and took her to another room. However, her mother-in-law in her statement under Section 161 of Code of Criminal Procedure states so. Apart from this, there are apparent inconsistencies in the statement of informant as well as her mother-in-law recorded under Section 164 of Code of Criminal Procedure. Having regard to these facts, possibility of over implication cannot be ruled out. Applicant has no criminal antecedents. Appropriate direction to him to appear before the Investigating Officer will be sufficient for investigation if any, yet to be carried out. For the purpose of recovery, he would be treated in the custody of police. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No. 204/2023, registered with Himayatnagar Police Station, Dist. Nanded, for the

offences punishable under Sections 307, 452, 327, 354, 143, 147, 148, 149, 427, 504, 506 of the Indian Penal Code, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.

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

(iv) 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)
Judge