



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1915 OF 2023

Tushar Balasaheb Pawar

Applicant

Versus

The State of Maharashtra

Respondent

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the applicant.

Mr. M. K. Goyanka, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 11th DECEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 950/2023 registered at Newasa Police Station, Dist. Ahmednagar, for the offences punishable under Sections 324, 504, 506 read with Section 34 of Indian Penal Code and under Sections 3 and 25 of Arms Act.

2. First informant Dnyaneshwar has reported the incident occurred on 25th September, 2023 in which he has sought to have been assaulted by applicant and co-accused. Allegations against the applicant herein is that he assaulted on the right shoulder of the

informant and also caused assault on the left chick of Sarang with country made revolver.

3. Learned counsel for applicant submits that the present First Information Report came to be lodged at the instance of Balasaheb Pawar as the applicant had lodged complaint against him for conducting the institution illegally as well as carrying out unauthorised construction. It is further pointed out that cognizance of his complaint was taken by the concerned authority and action was initiated against illegal construction by the Tahsildar. It is his further submission that though allegation is there of pendency of other crimes against him, according to him, there is no allegation that he has possessed any weapon at any point of time.

4. Learned APP opposed the application. He relied upon the First Information Report and statement of witnesses. He also placed reliance on injury certificate of Dnyaneshwar and Sarang.

5. Documents placed on record by applicant indicate that in the year 2022 and 2023 complaints were made by the applicant against Balasaheb who was running institution and the informant

herein is studying in the said institution. It is alleged against the present applicant that he caused assault on Sarang with country made revolver on his chick. Injury certificate however does not show any corresponding injury. Having regard to the fact that there are complaints made by present applicant against the institution in which informant is studying, at this stage, there is reason to believe that this could be a case of false implication. Though other offences are registered against the applicant, however, at any point of time, no allegation is made about he possessing any arm illegally. Hence, considering the possibility of false implication, it is a fit case to protect liberty of the applicant. For the purpose of recovery, he would be treated in the custody of police. Hence, application is allowed with following order :-

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No.950/2023, registered with Newasa Police Station, District Ahmednagar, for the offences punishable under Sections 324, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3 and 25 of Arms Act, 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 week.

(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.

(vii) Learned APP to communicate this order to the concerned police station.

(R. M. JOSHI)
Judge

dyb