



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1948 OF 2023

Vishnu S/o Dashrath Gaikwad And Another ...Applicants

VERSUS

The State Of Maharashtra And Another ...Respondents

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Mr. M. B. Sandanshiv, Advocate for the Applicants.

Mr. M. K. Goyanka, Addl PP, for the Respondent – State.

Mr. D. S. Patil, Advocate for the informant.

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CORAM : R.M. JOSHI, J

DATE : NOVEMBER 29, 2023

PER COURT :

1. Mr. D. S. Patil, learned Counsel, states that he has instructions to appear on behalf of informant.

2. Having regard to the nature of offence, he is permitted to assist APP.

3. Applicants apprehend arrest in connection with with C.R. No. 194 of 2023 registered with Sirsala Police Station, Dist. Beed for the offences punishable under Sections 395, 504, 506 of the Indian Penal Code.

4. Rajebhau reported incident occurred on 10.09.2023 at around 11.30 am. It is alleged by him that Applicants along with co-accused came to his house

and they started asking for the compensation for the fracture caused to the cousin brother of the Applicant. It is claimed that the accused persons assaulted him with the fist and kick blows and they snatched Rs. 5200 as well as 5 gms gold ring.

5. Learned Counsel for the Applicants submits that an incident had occurred earlier on 04.09.2023 wherein Applicant No. 1 had sustained fracture injury. It is submitted that in respect of the said incident report was lodged on 10.09.2023 and by way of counterblast, present report came to be lodged against present Applicant.

6. Learned Counsel for informant as well as learned APP have opposed the application by relying upon the statement of informant as well as witnesses. According to them, statements of witnesses corroborates the allegations made in the FIR about the assault being caused by the accused as well as snatching of cash and gold ornaments.

7. Record indicates that some incident had occurred on 04.09.2023 in respect of which report came

to be lodged on 10.09.2023. Present FIR came to be lodged at 12.00 am on 11.09.2023. Perusal of record does not show causing of any serious injury to the informant preventing him from lodging report to the concerned police station. Thus, it creates possibility of concoction. As far as statements of witnesses is concerned, statements which corroborate version of the informant are relatives of the informant. Sole independent witness Satyaprem Jadhav does not support the allegation with regard to the snatching of the cash as well as gold ornaments. Thus, this Court finds substance in the contention of learned Counsel for the Applicants that this could be a case of false/over implication. From the investigation papers it does not appear that the Applicants have any criminal antecedents. They are not likely to flee from justice. They can be treated in custody of police for recovery, if any.

8. In view of above, application stands allowed. Hence, the order:

O R D E R

- (i) In the event of arrest the Applicants in connection with C.R. No. 194 of 2023 registered with Sirsala Police Station, Dist.

Beed for the offences punishable under Sections 395, 504, 506 of the Indian Penal Code, they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one surety in the like amount.

- (ii) They shall attend the concerned police station once in month till filing of the charge-sheet.
- (iii) They shall not contact the witnesses directly or indirectly.
- (iv) They shall not interfere with the evidence in any manner whatsoever.
- (v) They are further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

Malani