



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1960 OF 2023

Nitin Shivnarayan Ghorpade

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. Joydeep Chatterji, Advocate for the applicant.

Mr. S. B. Narwade, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 11th DECEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0760/2023 registered with Pathardi Police Station, District Ahmednagar for the offences punishable under Sections 307, 326, 324, 143, 147, 148, 149, 504, 506 of Indian Penal Code.

2. Learned counsel for applicant submits that though allegation is made against applicant of causing assault on Santosh, however, as per instructions received by him, Santosh, while admitting in the hospital, has given history of said assault being caused by co-accused. According to him, considering the previous dispute and counter report, this could be a case of false implication.

3. Learned APP opposed the application by relying upon the statements of witnesses. According to him, even if it is accepted for the sake of argument that such history was given, he referred to the statement of witness who categorically stated about said assault being caused by the applicant and not by co-accused. According to him, for the purpose of recovery of weapon, custodial interrogation of the applicant is necessary.

4. Co-accused against whom similar allegations are made are granted anticipatory bail by this Court with observation that this could be a case of false implication. The said possibility gets strengthened with the history given by the injured himself making co-accused responsible for assault on him. In such circumstances, there is no reason to deny parity. In any case, there is possibility of false/over implication owing to the facts and circumstances of the case. There are no criminal antecedents against the applicant. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge