



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

**ANTICIPATORY BAIL APPLICATION NO. 2026 OF 2023
WITH CRIMINAL APPLICATION NO. 4580 OF 2023**

1. Goraksh Mohan Belge
 2. Prashant Goraksh Belge
- ... APPLICANTS

VERSUS

1. The State of Maharashtra
 2. The Superintendent of Police, Ahmednagar
- ... RESPONDENTS

Mr. Joydeep Chatterji, Advocate for the applicants
Mr. S. B. Jadhav, APP for the respondent/State
Mr. D. K. Dagadkhair, Advocate for the informant

CORAM : R. M. JOSHI, J.
DATE : 21st DECEMBER, 2023

P.C. :-

1. Heard.
2. Applicants apprehend arrest in connection with Crime No. 727/2023 registered with Pathardi Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 323, 324, 143, 147, 148, 149, 341, 504, 506 of IPC and under Section 4/25 of the Arms Act.
3. First informant Ajitnath reported an incident occurred on 8th July, 2023 at around 11 a.m. He claims that present applicants and the co-accused assaulted him with knife, sword, iron rod and wooden stick.

He claims that he sustained serious injuries in the said assault.

4. Learned counsel for the applicants submits that now the investigation is over with filing of the charge-sheet. By referring to the injury certificate collected during the course of investigation it is contended that the injury certificate does not corroborate the allegation made in the first information report about causing of the assault with weapons mentioned therein. It is his further submission that all weapons are already seized and nothing has to be recovered at their instance.

5. Learned APP and learned counsel for the informant opposed the application by citing seriousness of the crime. It is their contention that the informant had sustained grievous injury and having regard to the nature of injuries, the anticipatory bail application of the applicants deserves to be rejected.

6. The incident has occurred on 8th July, 2023 whereas the report is lodged on 11th July, 2023. Even if it is accepted that the informant was in hospitalized, there is no justification as to why no report was lodged from hospital. Apart from this there is *prima facie* substance in the contention of the learned counsel for the applicants that the alleged use of weapons by the applicants does not get corroborated from the injury certificate

placed on record. Apart from this, there is no dispute about the fact that all weapons are already seized as such the custodial interrogation of the applicants would not be necessary. There is no criminal history against the applicant and they are not likely to flee from justice. Hence the following order.

ORDER

- (i) In the event of arrest of applicants in connection with Crime No. 727/2023, registered with Pathardi Police Station, Dist. Ahmednagar for the offence punishable under Sections 307, 323, 324, 143, 147, 148, 149, 341, 504, 506 of IPC and under Section 4/25 of the Arms Act, 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 as and when required.
- (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.
- (vi) Learned APP to communicate this order to concerned Police Station.
- (viii) Pending application, if any, stands disposed of.

(R. M. JOSHI, J.)

ssp