

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1908 OF 2023

Dadarao Vilas Pawar

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Rushikesh G. Bhagat with Mr. Vaibhav Kulkarni i/b. M/s. Khandeparkar and Associates for the Applicant.

Mr. R.M. Pethe, APP for the Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 24th JULY, 2023.

P. C. :-

1. The Applicant apprehends his arrest in Crime No.465 of 2023 registered with Mohol Police Station, District-Solapur, for the offences punishable under Sections 307, 323, 504 and 506 of the IPC.

2. Heard Mr. Rushikesh Bhagat, learned counsel for the Applicant and Mr. R.M. Pethe, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Chandrakant Kapure. The facts narrated in the FIR prima

facie reveal that on 01/06/2023 there was an altercation between the Applicant and the First Informant. The First Informant has alleged that the Applicant had picked up a beer bottle, which was lying by the side of the road and inflicted several injuries on him and attempted to cause his death.

4. The medical certificate reveals that the First Informant had sustained abrasions over right forearm, left forearm and scapular region and contusion over left upper thigh medial aspect. All injuries are stated to be simple in nature. Considering the nature of accusations, this Court by order dated 10/07/2023 granted interim bail to the Applicant. The order also records that as per the medical certificate the First Informant was referred to the department of Surgery and advised surgery. However, he took discharge against medical advice. It was observed that the Investigating Officer had not ascertained whether the First Informant was treated in a private hospital and the nature of the injuries sustained by him.

5. Learned APP states that pursuant to the said order supplementary statement of the First Informant is recorded, wherein he has stated that he did not take any treatment in the private hospital since he felt better after the treatment taken in the Government

Hospital. The medical certificate of the Government Hospital shows that the First Informant has only suffered abrasions. The Applicant had not inflicted any serious injuries on the vital part of the body.

6. Considering the nature of accusations, in my considered view prima facie offence under Section 307 of the IPC is not made out. Furthermore, it is stated that the Applicant has reported to the Investigating Officer and he has been interrogated. Hence, no case is made out for custodial interrogation.

7. Considering the above facts and circumstances, interim bail granted to the Applicant vide order dated 10/07/2023 stands confirmed.

8. The Applicant to report to the concerned Investigating Officer as and when required by the Investigating Officer for the purpose of investigation.

9. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)