



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

931 ANTICIPATORY BAIL APPLICATION NO. 437 OF 2024

Krushna Kahnduappa BhagangareApplicant

VERSUS

The State of Maharashtra & anotherRespondents

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Mr. N. B. Narwade, Advocate for Applicant.

Mrs. M. L. Sangeet, APP for the State.

Mr. N. S. Ghanekar, Advocate for the informant.

WITH

ANTICIPATORY BAIL APPLICATION NO. 577 OF 2024

Omkar Ramesh Gholap Applicant

VERSUS

The State of Maharashtra & anotherRespondents

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Mr. A. N. Barhate Patil, Advocate for Applicant.

Mrs. M. L. Sangeet, APP for the State.

Mr. N. S. Ghanekar, Advocate for the informant.

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CORAM : R. M. JOSHI, J.

DATE : 8th OCTOBER, 2024.

PER COURT :

1. During the course of hearing, a statement is made across the bar on behalf of learned counsel for the Applicants that informant Santosh Sarode was arrested by police in connection with Crime No.

894/2023 registered with Tophkhana police station on 18.03.2024. He drew attention of the Court to the Criminal Application bearing No. 1436/2024 filed by the same person for intervention in the present application and the same was affirmed on 27.03.2024 at Aurangabad. Similarly, in another application he claims to have affirmed the application on 09.04.2024.

2. Learned APP to take instructions in this regard as to the date on which informant i.e. Santosh Sarode was arrested and his movement thereafter.

3. Written report to be filed by the Investigating Officer before this Court on or before 15.10.2024.

4. It is clarified that no further time shall be given to the Investigating Officer to submit report in this regard.

5. Applications for anticipatory bail are taken up for hearing.

6. Applicant in Anticipatory Bail Application No. 437/2024 apprehends arrest in connection with Crime No. 01692/2023 registered with Tofkhana Police Station, District Ahmednagar, for the offences punishable under Sections 307, 326, 363, 341, 143, 147, 148, 149 read with Section 34 of the Indian Penal Code whereas Applicant in Anticipatory Bail Application No. 577/2024 apprehends arrest in connection with the same crime number for the offences punishable under Sections 307, 326, 363, 341 read with Section 34 of Indian Penal Code.

7. First informant Santosh reported the incident occurred on 02.12.2023 at around 11.00 am. According to him, when he was at Issar petrol pump, four persons came on motorcycles. They assaulted him with wooden sticks. In the said incident, fracture injuries were caused to his legs as well as injuries were also caused to his head.

8. Learned counsel for the Applicant submit that Applicant is the first informant in First Information Report No. 894/2023 registered against the informant herein and other accused for offence punishable under Section 322 of the Indian Penal Code. It is his

submission that this is a reason for his false implication in this crime. He further argued that perusal of the report indicates that there are no specific allegations against the Applicant of causing fracture injury with a stick to the informant. He also drew attention of this Court to the application filed by the informant for assisting learned APP and, according to him, said application is filed when he was already arrested by police in connection with Crime No. 894/2023. On these amongst other contentions, he seeks anticipatory bail.

9. Learned APP and learned counsel for the informant opposed the applications on the ground that statement of the informant gets corroboration with the injury certificate. Learned APP has also drawn attention of the Court to the statements of two independent witnesses who had seen the Applicants along with co-accused causing assault on the informant with sticks. He also pointed out that the present Applicants have criminal history behind them.

10. No doubt, criminal history of the Applicant could be one of the grounds for considering whether he is entitled for anticipatory

bail. At the same time, prima facie perusal of the police papers indicates that there are statements of witnesses which indicate active role of the present Applicants in causing assault on the informant. Medical certificate shows that on 02.12.2023 itself he was taken to the hospital and it was found that there are grievous injuries i.e. fracture caused to his legs. Thus, there is prima facie evidence on record to indicate involvement of the Applicants in this crime. Since there is use of weapon in causing assault, custodial interrogation of the Applicants is necessary in order to recover said weapon.

11. In view of above, no case is made out by the Applicants for grant of anticipatory bail. Applications are rejected. Though the applications are disposed of, for the reason of issuance of notice to the investigating Officer to file report, the same are technically kept pending for taking appropriate action, if required.

12. After this order is being pronounced, learned counsel for Applicant in Anticipatory Bail Application No. 437/2024 seeks continuation of interim relief for a period of four weeks to enable the

Applicant to challenge the order passed by this Court before the Hon'ble Supreme Court.

13. Learned APP and learned counsel for the informant opposed the said contention.

14. Liberty of the Applicant was protected by passing interim order dated 14.03.2024. To enable the Applicant to challenge the order passed by this Court before the Hon'ble Supreme Court, interim order dated 14.03.2024 is extended for a period of four weeks.

(R. M. JOSHI)
Judge

dyb