



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

978 ANTICIPATORY BAIL APPLICATION NO. 871 OF 2024

Pawan Sitaram Kshirsagar

..APPLICANT

-VERSUS-

1. The State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicant : Mr.V.B. Deshmukh
APP for Respondent/State: Mr.P.K. Lakhotiya

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 20th June, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.0122 of 2024 registered with Dharashiv City Police Station, Dharashiv, Dist.Dharashiv, for the offence punishable under sections 324, 323, 504, 506 read with 34 of the Indian Penal Code (For short, "IPC").
2. It is the prosecution's case that informant Santosh Sudhakar Pawar has lodged F.I.R. stating that on 16th March, 2024, at evening, he had registered N.C. case against the applicant in Dharashiv City Police Station. Thereafter, at about 9.15 p.m., the applicant and co-accused assaulted him on the reason of lodging N.C. against them. It is alleged that co-accused Sudhakar assaulted informant by kick blows on his stomach, whereas, co-accused Ahilya brought bottle of acid with intent to pour on the face of informant. She tried to pour acid on informant, the informant dodged it and acid fell on his right hand

finger and left wrist. Thereafter, the informant admitted in the hospital.

3. It is contention of learned counsel for the applicant that in the F.I.R. no allegations are made against the applicant that he assaulted the informant. The informant has specifically mentioned role played by each and every co-accused. Custodial interrogation of the applicant is not required. Hence, he requested to allow the application.

4. It is contention of learned APP that the applicant was part of group, who assaulted the informant and poured acid on him. In the written complaint, it is mentioned that the applicant assaulted informant with fist and kick blows, but the same is not mentioned in the typed F.I.R. Learned APP further submitted that custodial interrogation of the applicant is required. Hence he requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. In F.I.R. it is mentioned that the applicant was present with the other co-accused. No specific allegations against the applicant are mentioned in the F.I.R. In the written complaint, allegations against the applicant are that he assaulted the informant with fist and kick blows. Considering the nature of allegations against the applicant, his custodial interrogation is not required. Hence I pass the following order:-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant in connection with FIR No.0122 of 2024 registered with Dharashiv City Police Station, Dharashiv, Dist. Dharashiv, for the offence punishable under sections 324, 323, 504, 506 read with 34 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following conditions :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

sga