



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

957 ANTICIPATORY BAIL APPLICATION NO. 986 OF 2024

1. Jagdish Sharad Meherkhamb - **withdrawn**
2. Pratik Dilip Jadhav

..APPLICANTS

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicants : Mr.G.J. Karne

APP for Respondent/State : Ms.D.S. Jape

...
CORAM : SHIVKUMAR DIGE, J.

DATE : 20th August, 2024.

P.C.:

1. Heard the learned counsel for the applicants and learned APP.
2. After hearing for some time, when this Court expressed disinclination to allow the application of applicant no.1-Jagdish Sharad Meherkhamb, the learned counsel for the applicants, on instructions, seeks leave to withdraw the application of applicant no.1.
3. Leave granted. The application is dismissed as withdrawn to the extent of applicant no.1.
4. So far as applicant no.2 is concerned, applicant no.2 apprehends arrest in connection with FIR No.128 of 2024 registered with Rural Kopargaon Police Station, Dist. Ahmednagar, for the offences punishable under sections 324, 327, 323, 506, 427, 143, 147, 148, 149 of the Indian Penal Code (For short, "IPC").

5. It is prosecution's case that on 4th April, 2024, when the informant was going on his motorcycle, he gave dash to one parked motorcycle as there was darkness. It is alleged that when he gave dash to the parked motorcycle, at that time the applicant and accused no.1 came there and asked the informant didn't he see the parked motorcycle. Thereafter, the informant told them that it was parked on road, therefore, he dashed it. It is alleged that on that count, the applicant and his relatives assaulted the informant. It is alleged that accused no.1 assaulted the informant with fighter on his face whereas the present applicant assaulted the informant with iron rod on his head and other co-accused assaulted the informant with wooden stick. It is alleged that due to assault, the informant has sustained injuries.

6. It is contention of the learned counsel for the applicant that the informant was in drunk condition. He himself fell from the motorcycle and he has sustained the injuries. The applicant has never assaulted to the informant as alleged in the F.I.R. The applicant has been falsely implicated in this case and requested to allow the application.

7. It is contention of the learned APP that the applicant along with co-accused assaulted the informant with iron rod, fighter and wooden stick. Informant has suffered injury. The injuries sustained by the informant are not possible due to fell from the motorcycle. The applicant has assaulted the informant with iron rod on his head. Considering the allegations against the applicant, his custodial

interrogation is required and requested to reject the application.

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

9. The allegations against the applicant are that the applicant assaulted the informant with iron rod on his head. The injury certificate produced on record shows that he had suffered simple injuries. Considering these facts, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of applicant no.2 in connection with FIR No.128 of 2024 registered with Rural Kopergaon Police Station, Dist. Ahmednagar, for the offences punishable under sections 324, 327, 323, 506, 427, 143, 147, 148, 149 of the Indian Penal Code, applicant no.2 be released on executing personal bond in the sum of Rs.25,000/- with one surety of the like amount, on the following conditions :-
 - (a) the applicant no.2 shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]