



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

976 ANTICIPATORY BAIL APPLICATION NO. 1063 OF 2024

Sonu @ Pravin Sunil Pendulkar

..APPLICANT

-VERSUS-

State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr.N.S. Salunke

APP for Respondent/State: Mr.C.V. Bhadane

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 25th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.210 of 2023 registered with Ahmednagar Camp Police Station, for the offences punishable under sections 307, 323, 324, 143, 147, 148, 149, 504 and 506 read with 34 of the Indian Penal Code (For short, "IPC") and section 37(1)(3) and 135 of the Maharashtra Police Act.

2. It is prosecution's case that the informant lodged the report to police stating that on 11th April, 2023 at about 3 p.m., when he along with his friends was going to participate in the procession on the occasion of Mahatma Phule Jayanti, at around 8.30 p.m., there was quarrel between informant's friend Rushikesh Jadhav and applicant and co-accused. Due to that dispute, it is alleged that co-accused Nilesh assaulted on the head of the informant with iron rod. It is

alleged that the applicant had assaulted on the head of friend of informant with iron rod. Co-accused assaulted other friends of the informant with wooden sticks.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant has not assaulted witness Rushikesh. He was assaulted by Nilesh. The injury sustained by Rushikesh is simple in nature. Considering the allegations against the applicant, his custodial interrogation is not required, hence requested to allow the application.

4. It is contention of the learned APP that the applicant along with co-accused assaulted the informant and his friends with iron rod and wooden sticks. The informant and his friends were seriously injured. The custodial interrogation of the applicant is required to recover the weapon used in the crime, hence 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. The allegations against the applicant are that he assaulted witness Rushikesh. Police have recorded the statement of Rushikesh. In the said statement, Rushikesh has stated that co-accused Nilesh took the iron rod from the hand of the applicant and assaulted him. So there are contradictions about the assault to witness Rushikesh. In the F.I.R. the informant says that the applicant had assaulted the witness Rushikesh whereas in the statement before the police says that he

was assaulted by co-accused Nilesh. Moreover, the injury certificate of Rushikesh shows that he has received simple injury. Considering these aspects, 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 the applicant in connection with FIR No.210 of 2023 registered with Ahmednagar Camp Police Station, for the offences punishable under sections 307, 323, 324, 143, 147, 148, 149, 504 and 506 read with 34 of the Indian Penal Code and section 37(1)(3), 135 of the Maharashtra Police Act, the applicant be released on executing personal bond in the sum of Rs.15,000/- 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