



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1375 OF 2024

1. Nitin Vijay Dhawale

2. Ajay Vijay DhawaleApplicants

VERSUS

The State of MaharashtraRespondent

.....

Mr. Sayyed Tauseef Yaseen, Advocate for Applicants.

Mr. P. K. Lakhotiya, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 3rd OCTOBER, 2024.

PER COURT :

1. Objection raised by the office stands waived.

2. Applicants are seeking anticipatory bail in respect of offence registered after 10 months of its occurrence.

3. Informant lodged report with Beed Rural Police Station vide Crime No. 102/2024 alleging offences punishable under Sections 307, 323, 324 read with Section 34 of the Indian Penal Code. According to the informant, the incident occurred on 01.05.2023 at around 7.00 pm where the present Applicants

assaulted him with sharp weapon. It is alleged that co-accused also caused assault on him. It is the contention of the informant that he went to the police station however his report was not accepted and therefore there is delay in lodging of the report.

4. Learned counsel for Applicants submits that on the very same day of the incident i.e. on 01.05.2023, a report was lodged by Applicant No. 1 before the concerned police station about occurrence of the incident in which Applicant No. 1 and his brother were assaulted by the present informant and others. It is his submission that Applicant No. 1 was hospitalised for a period of more than 10 to 12 days. It is his submission that this report has been lodged by way of counter blast.

5. Learned APP tried his best to convince this Court about the justification given by the informant in lodging report belatedly unsuccessfully.

6. Perusal of the record indicates that some incident has definitely occurred on 01.05.2023. It cannot be ruled out that there was a fight between two sides. In the said incident Applicant No. 1

and his brother had sustained serious injuries. If it is so, there was no reason or justification for them not to lodge report to the concerned police station immediately. Lodging of the report after 10 months itself is sufficient to indicate that either there is no substance in the contention or the same has been lodged by way of counter blast. Hence, it is a fit case for grant of anticipatory bail. Hence, the following order :-

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicants Nitin Vijay Dhawale and Ajay Vijay Dhawale, in connection with Crime No. 0102/2024, registered with Beed Rural Police Station, Dist. Beed, for the offences punishable under Sections 307, 323, 324 read with Section 34 of the Indian Penal Code, they be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) each with one surety each in the like amount.

(iii) They shall attend the concerned police station once in a week.

(iv) They shall not contact the witnesses directly or indirectly.

(v) They shall not interfere with the evidence in any manner whatsoever.

(vi) They are further directed to cooperate the investigating agency for further investigation.

(v) Learned AGP to communicate this order to the concerned Investigating Officer.

(R. M. JOSHI)
Judge

dyb