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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

947 ANTICIPATORY BAIL APPLICATION NO. 1485 OF 2024

1. Ganesh Murlidhar Salunke
 2. Ravi Prabhakar Salunke
- ..Applicants

VERSUS

The State Of Maharashtra

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Mr Kailas B. Jadhav, Advocate for Applicants

Mr S. B Narwade, A.P.P. for Respondent/State

Mr P. M. Bhalke, Advocate for applicant to assist APP

CORAM : R. M. JOSHI, J.

DATE : 17th October, 2024

PER COURT :-

1. Applicants apprehend arrest in connection with Crime No.0213 of 2024, registered with Harsool Police Station, Dist. Aurangabad, for the offences punishable under Sections 352, 324(2), 3(5), 118(2) and 115 of the Bhartiya Nyaya Sanhita, 2023.
2. First informant Pradip Karbhari Salunke reported that incident is occurred on 30/07/2024 at about 8:00 a.m., in which, there was quarrel between him and accused persons on the issue

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of honking. It is alleged that, at about 12:00 noon, applicants, alongwith co-accused came and they started abusing him. There is allegation against accused Vishal Salunke that he assaulted him with wooden stick on his head and accused Sunil with iron rod on his face. There is allegation against present applicants that they hold informant and assaulted him with stick.

3. Learned counsel for applicants submits that, even if the contentions of the informant in the first information report are accepted, the same indicate that the allegations are essentially against co-accused and not against present applicants. It is his submission that, having regard to the nature of the injury caused to informant, the offence punishable under Section 118(2) of the Bhartiya Nyaya Sanhita could not get attracted.

4. Learned APP and learned counsel for informant opposed the application by pointing out injury certificate. They also opposed the application on the ground that there is one crime against applicant Ganesh and two non cognizable reports are recorded against applicant Ravi.

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5. Though it is alleged in the first information report that present applicants assaulted the informant, the same is not supported by the injury certificate. Perusal of the same indicates that at the most, same can be attributed to the co-accused.

6. Having regard to the aforesaid facts, possibility of over implication is not ruled out. This Court finds that this is a fit case for granting anticipatory bail to applicants. Appropriate directions to the applicants to appear before the Investigating Agency and cooperate, will be sufficient for further investigation. Therefore, liberty of these applicants is protected. Hence, the following order :-

ORDER

(i) In the event of arrest of these applicants in connection with Crime No.0213 of 2024, registered with Harsool Police Station, Dist. Aurangabad, for the offences punishable under Sections 352, 324(2), 3(5), 118(2) and 115 of the Bhartiya Nyaya Sanhita, 2023, they be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) each, with one surety in the like amount.

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

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

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

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

(vi) Learned APP to communicate this order to the concerned Investigating Officer.

(R. M. JOSHI)
Judge

sjk