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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1404 OF 2023

Pappu @ Udhav Narayan Pawde

APPLICANT

VERSUS

The Superintendent of Police and Another

RESPONDENTS

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Mr. Shailendra S. Gangakhedkar, Advocate for the applicant

Mr. A. R. Kale, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 123 of 2023 registered with Bhagya Nagar Police Station, District – Nanded for offence punishable under section 307, 324, 341, 143, 147, 148, 149, 504 of the Indian Penal Code.

2. FIR is lodged by Gangadhar Dhondiba Kadam, alleging that on 25th March, 2023, at about 11.11 p.m. while he was returning along with his friend, after having dinner, Udhav @ Pappu Narayan Pawde along with 4 unknown persons assaulted him with stones. Applicant was having grudge against informant, as

he was under impression that because of the informant, revenue squad had caught his truck while illegally transporting stolen soft soil (murum).

3. Heard learned advocate for applicant and the learned APP for the State. Perused the papers of investigation.

4. Learned advocate for applicant contends that applicant has suffered fracture and his implant is not successful and, therefore, he could not have assaulted informant. He submits that applicant is innocent and he is falsely implicated in the crime.

5. Learned APP, on the other hand, by relying on investigation papers, opposes the application.

6. During the course of investigation, statements of two independent eyewitnesses are recorded, who have seen applicant assaulting informant, along with his colleagues. Informant has suffered 6 injuries in the assault and out of them 2 are grievous injuries. There is no substance in the contention of applicant that he has suffered fracture, hence he was unable to participate in the assault. Applicant has suffered fracture in the month of January, 2023 and the incident has taken place in the month of March, 2023.

7. Considering the complicity of applicant and gravity of offence, the applicant does not deserve discretionary relief of anticipatory bail. In that view of the matter, the application is rejected.

[NITIN B. SURYAWANSHI]
JUDGE

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