



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

ANTICIPATORY BAIL APPLICATION NO. 1552 OF 2024

Sunil s/o Madhavrao Salunke .. Applicant

versus

The State of Maharashtra & another .. Respondents

Mr. N. S.Ghanekar, Advocate for the Applicant.

Mr. S. B. Narwade, APP for the State.

Mr. D.M. Bhalke, Advocate for the informant.

**CORAM : R. M. JOSHI, J.**

DATE : 23<sup>rd</sup> OCTOBER, 2024.

ORDER :

1. Applicant apprehends arrest in connection with Crime No. 0213/2024, registered with Harsul Police Station, District Aurangabad for the offences punishable under Sections 352, 324(2), 3(5), 118(2), 115 of the Bharatiya Nyaya Sanhita.

2. First Information Report indicates that the incident had occurred on 30.07.2024 in which the informant was abused and assaulted by Applicant and co-accused. It is stated that the incident had occurred on trivial issue. In the said incident, Applicant has

sustained injuries and was taken to Ghati hospital. On 10.08.2024, after his discharge from the hospital, he lodged report.

3. Learned counsel for the Applicant submits that there are disputes between the parties and hence possibility of false implication exists. It is his submission that on 30.07.2024 i.e. at the time of occurrence of the incident, Applicant was in Harsul Police Station from 11.00 am to 1.00 am and that his presence is captured under CCTV.

4. Learned APP opposed the application by contending that there are specific allegations against the Applicant of causing assault on the informant. He has placed on record transcript of CCTV which indicates that the Applicant was present in the police station at about 12.28 pm and left at around 12.36 pm. It is pointed out that the MLC has been recorded in this case at around 12.35 pm meaning thereby incident has occurred before 12.30 pm. Thus, it is the contention of learned APP that this is not a case wherein anticipatory bail can be granted.

5. Though false implication is possible owing to the previous dispute, at the same time, crime also can be committed for the same reason. In the instant case, there are specific allegations against the Applicant of he causing assault on the informant with iron rod. In the said incident he sustained serious injuries and was hospitalised for a considerable period. In this backdrop, the plea of alibi sought to be raised at this stage by the Applicant is not sustainable in view of the report of police on the basis of transcript of CCTV footage which indicates that presence of Applicant at the spot at the time of occurrence of incident is not ruled out. Having regard to these facts, since involvement of the Applicant is seen in the serious crime and as recovery of weapon is to be done from Applicant, this is not a case to protect his liberty. Hence, application for anticipatory bail stands rejected.

**( R. M. JOSHI )**  
**Judge**