



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

ANTICIPATORY BAIL APPLICATION NO. 1602 OF 2023

KIRAN SAKHARAM BARDE
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Sudhir P. Telgote, Advocate for Applicant
Mr. S.B. Jadhav, APP for Respondent/State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 27th FEBRUARY, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.148/2023, registered with Bidkin Police Station, Dist. Aurangabad, for offence punishable under Sections 143, 147, 148, 149, 323, 324, 326, 504 and 506 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Sapna Gautam Chavan, alleging that on 26/04/2023 at about 06:00 to 06:30 p.m., when she along with son-in-law Umesh Harsingh Bhosale, husband Gautam Chavan, Suresh Chavan, Akash Chavan and sister Lalita Subhash Chavan were sitting at her home, accused Ayub Kale, his son Ajay Kale, Padam Kale, Rahul Kale, Amit Kale, Daresh Kale and Kiran Sakharam Barde came in front of her house. All were carrying weapons in their hand. Ayub Kale was carrying sword, Amit Kale was carrying knife, Ajay Kale was carrying axe and others were carrying iron rods and sticks. Ayub Kale assaulted her son-in-law Umesh on leg, however, he

saved himself therefore, the blow of sword landed on his foot. Ajay Kale gave axe blow on the head of Umesh. Thereafter, Kiran Barde, Amit Kale, Daresh Kale, Padma Kale and Rahul abused them and threatened them to vacate the house and assaulted her son-in-law with iron rod and sticks. At that time, when informant and her husband Gautam went to intervene, Kiran Barde assaulted her with iron rod, due to which she suffered fracture on the left hand. Ayub Kale assaulted her husband Gautam on leg and Rekha assaulted her son with stick.

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

4. Learned advocate for applicant submits that there is a counter FIR lodged by person from accused side i.e. Daresh Ayub Kale against informant and seven others, which is registered at C.R. No.149/2023, for offences punishable under Sections 143, 147, 148, 149, 323, 324, 326, 504 and 506 of the I.P.C. Therefore, applicant is falsely implicated in present crime. Applicant is innocent person and he has not committed any crime.

5. Learned APP by relying on the investigation papers opposed the application.

6. Perusal of injury certificates of informant and Umesh Bhosale show that informant has suffered blunt trauma on left hand

and head, whereas Umesh has suffered blunt trauma on left eye, left cheek, left leg and head, contused lacerated wounds on left frontal region and left parietal region and abrasion on nose. Therefore, there appears substance in the allegations made in the FIR that applicant was one of the assailants. Though counter FIR is lodged by accused Daresh Kale, that by itself does not mean that no incident as alleged in the FIR has taken place.

7. Weapon used by present applicant is yet to be recovered. FIR is registered on 27/04/2023 and since the date of incident and lodging of FIR, applicant is absconding. His custodial interrogation is necessary for effective investigation.

8. Considering complicity of applicant in present crime and gravity of allegations levelled against him, applicant does not deserve discretionary relief of anticipatory bail. Application is, therefore, rejected. Interim relief granted to applicant stands vacated.

(NITIN B. SURYAWANSHI, J.)