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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1923 OF 2023

Vinod Suresh Patil and Another

APPLICANTS

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. N. L. Chaudhari, Advocate for the applicants

Mrs. U. S. Bhosale, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd JANUARY, 2024

ORDER :

1. Applicants apprehend arrest in Crime No. 323 of 2023 registered with Dondaicha Police Station, District - Dhule for offence punishable under section 307, 324, 143, 148, 149, 323, 504 & 506 of the Indian Penal Code.

2. FIR is lodged by Prakash Amrut Patil, ex-Police Patil of village Kurkwade, Taluka-Shindkheda, District - Dhule, alleging that on 24th October, 2023 at about 12.00 noon, while he was returning home after attending obseques, applicant No.2, looking at informant, was telling his friend that they have got informant suspended from the post of Police Patil. Informant asked him not to talk in such things and go home. Thereafter applicant No.2

went to informant's house and told his wife and others to give understanding to informant else he will do something to him. Informant reached at this home at that time and told applicant No.2 to leave the place. Instead of going, applicant No.2 started abusing informant in filthy language and called somebody to beat informant. On his call Gopal Patil came there carrying iron weapon and gave its blow on informant's head, which informant took on his hand, due to which he suffered injury to finger and head. Both the applicants assaulted informant with stick on his hands and legs and abused him in filthy language. Gopal Patil assaulted informant's wife Varsha on her right hand, while she tried to intervene in the quarrel.

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

4. Accused Gopal Patil, was arrested and the alleged weapons used in the crime are recovered from him. A stick is recovered from present applicants. Perusal of injury certificate of informant reveals that there is one incised wound on forehead of informant, which is attributable to accused Gopal. The other two injuries like abrasion on right thumb and contusion on left leg near ankle suffered by informant are stated to be simple injuries.

5. Applicants were protected and they have co-operated in the investigation. Nothing is to be recovered from applicants. *Prima facie*, false implication of applicants by the informant, cannot be ruled out at this stage, as he is suspended from the post of Police Patil at the instance of applicants. Considering these peculiar facts, application is allowed by confirming interim protection granted on 9th November, 2023.

6. Till filing of the charge sheet, applicants shall attend the concerned police station as and when called by the Investigation Officer. Applications shall co-operate in the investigation and shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE