



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1955 OF 2023

Naresh Kaduba Fatakade And AnotherApplicants
VERSUS
The State Of MaharashtraRespondent

.....
Mr. Rupesh Jaiswal, Advocate for applicants.
Mr. S.B. Jadhav, APP for respondent.

.....
[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th MARCH, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 447 of 2023, registered with Khultabad Police Station, Dist. Aurangabad, for offences punishable under sections 143, 147, 148, 149, 304, 326, 324, 504, 506 of the Indian Penal Code.
2. FIR is lodged by Deepak Fatakde stating that on 30.01.2023 his cousin uncle Kaduba Fatakde while ploughing his land had damaged the common boundary of Gat No. 19. When informant questioned him about the same, Kaduba and Shobhabai had beaten him by means of spade. He lodged complaint to that effect with Bajar Sawangi Police Station. On the same day, at 4.00 pm, he, his wife Kishori, mother Padmabai, father Dadarao were seating in front of their house. At that time, Naresh Fatakde- son of Kaduba, his brother-in-law

Bhagyawant Punde

Navnath Jadhav and friend of Naresh came there in Wagon-R bearing No. MH-43-R-5717. Thereafter, Kaduba and his wife Shobhabai also came on motorcycle. Shobhabai while passing had given abuses to informant. Janardan Dheple came behind them on motorcycle. He parked his motorcycle in front of Kaduba's house and brought iron rod from Kaduba's house and rushed on informant. He assaulted informant with iron rod on head. His second blow was received on cheek. His father called informant's brother Sandip. He was also assaulted by Naresh, Kaduba and Navnath Jadhav. They made him fall and Naresh gave a blow of iron pipe on his nose, due to which he suffered fracture to nasal bone.

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

4. Applicants claim that applicant No. 1 has lodged FIR against informant, which is prior in point of time at C.R. No. 446/2023, with Khultabad Police Station, for offences punishable under sections 324, 504, 506 r/w. 34 of IPC. Applicants claim that applicant- Naresh has received injury on his head, which was required to sutured. Applicants therefore claim that they are falsely implicated in the present crime.

5. After arguing at length on merits, when this Court was not inclined to grant relief to applicant No. 1- Naresh Kaduba Fatakade, learned advocate for applicants on instructions seeks permission to withdraw application of applicant No. 1.

6. Permission granted. Application of Applicant No. 1- Naresh Kaduba Fatakade, is dismissed as withdrawn.

7. Perusal of papers of investigation show that general allegations are levelled against applicant No. 2. On going through the injury certificate, informant has suffered CLW on nasal area, which is stated to be a grievous injury, as his nasal bone is fractured. There are general allegations against applicant No. 2, which are not supported by medical certificate. Nothing is to be recovered from applicant No. 2 and since charge sheet is filed in the present matter, his custodial detention is not necessary.

8. In the result, application is allowed by confirming the interim protection granted to applicant No. 2 by order dated 16th November, 2023.

[NITIN B. SURYAWANSHI, J.]