



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

945 BAIL APPLICATION NO. 1480 OF 2024 WITH
CRIMINAL APPLICATION NO. 3803 OF 2024

Hitesh Ashok JoshiApplicant

VERSUS

The State of MaharashtraRespondent

Mr. N. L. Chaudhari, Advocate for Applicant.
Mr. A. S. Shinde, APP for the State.

CORAM : S. G. MEHARE, J.
DATE : 24th SEPTEMBER, 2024.

PER COURT :

1. Criminal Application No. 3803/2024 is allowed and stands disposed of.
2. Heard learned counsel for the Applicant, learned APP for the State and learned counsel for the injured.
3. Applicant had filed Bail Application no. 1149/2024 which was withdrawn as the Court has expressed disinclination to

grant bail. Now, another bail application is filed based upon the medical certificates.

4. Learned counsel for the Applicant pointed out that there are two medical certificates about the nature of injuries, one is dated 11.03.2024, which bears signature of an authorised person for Dr. Leena Mare. However, again injury certificate was issued on 11.03.2024 which was received on 16.05.2024. The earlier injury certificate referred to at page No. 75 was received on 26.03.2024. A serious objection of learned counsel for the Applicant is that the another injury certificate of the same date does not bear the signature of Dr. Leena Mare or authorised person. He would submit that the injured was discharged on 13.11.2024. In short, he wants to point out that there is a conflict as regards the nature of injuries in these two injury certificates. Therefore, the Applicant deserves bail.

5. Learned APP and learned counsel for the injured submit that both certificates which have been referred by learned counsel for the Applicant do not bear the signature of Dr. Leena Mare. Both the certificate bear signature of an authorised person for Dr. Leena Mare. They would submit that both documents are genuine. It was a

serious assault causing wound on abdomen with an intention of cause the death. Both these documents were available with the charge-sheet when the earlier bail application was decided. Therefore, there is no change in the circumstances.

6. It seems from the argument of learned counsel for the Applicant that the second injury certificate which does not bears the signature of an authorised person for Dr. Leena Mare or authorised person is false and fabricated.

7. The injury certificate at page No. 75 of the charge-sheet is provisional. The concerned police department received it on 26.03.2024. However, injury certificate at page No. 77 was prepared on the basis of papers available with the docket of the hospital. It is a final opinion of the Medical Officer. Whether it is false or fabricated is a matter of appreciation of evidence. At this juncture, the Court cannot decide its validity. In addition to these certificates, this Court, while considering the earlier bail application, has considered the other material. Therefore, on this ground, as argued by learned

counsel for the Applicant, the Court is not inclined to grant the bail.
Hence, the Application stands dismissed.

(S. G. MEHARE)
Judge

dyb