



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

926 ANTICIPATORY BAIL APPLICATION NO. 955 OF 2024

1. Manoj @ Utreshwar Mahadev Humbe
2. Nnyaneshwar Mahadev HumbeApplicants

VERSUS

The State of Maharashtra & others ...Respondents

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Mr. N. C. Garud, Advocate for Applicants.

Mrs. M. L. Sangeet, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 18th OCTOBER, 2024.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 0219/2024, registered with Jamkhed Police Station, District Ahmednagar, for the offences punishable under Sections 307, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. First Information Report lodged by Pawan Chavan indicates that an incident had occurred on 23.04.2024 in which there was altercation between him and accused persons. Accused started abusing and assaulting him. There is allegation against Applicant No. 1 that he had a knife with him and he caused assault with the

said knife on the ribs of the informant. He sustained bleeding injuries. There is allegation against Applicant No. 2 that he caused assault with wooden stick on his head.

3. Learned counsel for the Applicants submits that there is a counter report in respect of the same incident. It is his submission that possibility of over implication cannot be ruled out. He claims that liberty of the Applicants was protected and that the Applicants have attended the concerned police station. He further states that the Applicants would cooperate in the investigation for recovery of the weapon. He, therefore, seeks anticipatory bail.

4. Learned APP opposed the application by contending that the report lodged by Applicants' side is later in point of time. She drew attention of the Court to the injury certificate indicating causing of three injuries on the ribcage of the informant. There is a statement of eye-witness who has corroborated the version of the informant in this regard.

5. Prima facie perusal of the record indicates that there is substance in the allegation against Applicant No. 1 that he was

carrying knife with him and he has caused three injuries to the ribcage of the informant. This Court, therefore, finds substance in the contention of learned APP that offence under Section 307 of the Indian Penal Code is attributable to Applicant No. 1. The weapon used in the crime is yet to be recovered. In spite of attendance of Applicant No. 1 before the investigating agency for about 4 months, recovery could not be done. It is therefore, just and necessary to remove protection of the interim order in order to enable the investigating agency to carry out proper investigation and to recover the weapon. So far as Applicant No. 1 Manoj @ Utreshwar Mahadev Humbe is concerned, this is not a case for grant of anticipatory bail. Hence, his application stands rejected.

6. As far as Applicant No. 2 Nyaneshwar Mahadev Humbe is concerned, though there is allegation against him that he caused assault with stick on the head of father of the informant, there is one injury caused to the said witness which is simple in nature. Having regard to the said fact, application to the extent of Applicant No. 2 stands allowed in terms of interim order.

7. Learned counsel for Applicants seeks continuation of interim protection granted in favour of Applicant No. 1 Manoj @ Utreshwar Mahadev Humbe for a period of four weeks to enable him to challenge this order before the Hon'ble Supreme Court.

8. Learned APP opposed the application considering the seriousness of the crime.

9. Since there was interim relief granted protecting Applicant No. 1 from arrest during the pendency of this application said order dated 18.06.2024 is extended for a period of four weeks. It is clarified that Applicant No. 1 not to be treated in the custody of the police for any purpose during continuation of protection from arrest.

(R. M. JOSHI)
Judge

dyb