



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

914 ANTICIPATORY BAIL APPLICATION NO. 1506 OF 2024

BALAJI MOTIRAM MASKE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Katneshwarkar S.P.

APP for Respondent/State : Mr.G.O. Wattamwar

Advocate for assist to P.P. : Mr. N. B. Patekar

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CORAM : S. G. MEHARE, J.

DATE : 18th October, 2024.

P.C.:

1. Heard the learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the victim.
2. The applicant seeks prearrest bail in Crime No.429 of 2024 registered with police station Gandhi Chowk, Latur, for the offences punishable under sections 147, 148, 149, 307, 323, 324, 504 and 506 of the Indian Penal Code.
3. The learned counsel for the applicant would submit that the false allegations have been levelled against the applicant that he caused injuries to the first informant with belt. The chargesheet does not disclose medical certificate of the injured Raj Kshirsagar. Therefore, nothing is to be recovered from him. This Court granted pre-arrest bail to similarly situated co-accused.
4. The learned APP would submit that the allegation against the applicant is specific that he assaulted injured Raj Kshirsagar with belt

and caused him injury. However, his medical examination was not done. The applicant has antecedents, therefore, he does not deserve parity.

5. The learned counsel for the victim has vehemently argued that the applicant is repeatedly involved in the crimes. He is creating a nuisance in the vicinity. He was the instrumental to the present incident. Though, the injuries have not been seriously suffered to the injured, recovery of belt is essential. He produced the prescription of private doctor dated 09.07.2024. He would argue that if the applicant is enlarged on anticipatory bail, he should be restrained from entering Ganjgolai area.

6. Perused the papers.

7. Though, the allegations of causing injury to the injured have been levelled, there is no prima facie evidence to show that any such injury was caused to the injured. The injured did not even prefer to go for medical treatment. The prescription produced by the injured appears not relevant to the allegations. There are crimes against the applicant. However, considering the material against him, it would be inappropriate to allow the applicant to arrest. Similarly situated co-accused have been granted prearrest bail. Hence, the following order:

ORDER

(i) Application is allowed.

(ii) In the event of arrest of the applicant - **BALAJI**

MOTIRAM MASKE be released on anticipatory bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, in the above crime for the aforesaid offences, on the following conditions :

(a) The applicant should attend the concerned police station on 21.10.2024, 22.10.2024, 23.10.2024 and 24.10.2024 between 12:00 noon to 4:00 p.m. and co-operate with the Investigating Officer.

(S.G. MEHARE, J.)

sga