



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

939 ANTICIPATORY BAIL APPLN. NO. 2161 OF 2024

ABHIJIT NAGESH KAMBLE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mrs.Ashwini A. Lomte

APP for Respondent-State : Mr.B.B.Bhise

Advocate for Assist to P.P. : Mr.A.D.Raut

...

WITH

CRIMINAL APPLICATION NO. 346 OF 2025

IN ABA/2161/2024

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 18.02.2025

P.C. :

1] Heard. For the reasons stated in Criminal Application No.346 of 2025 for assisting to the P.P., the same is allowed. Criminal Application is disposed of accordingly.

2] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the assist to P.P.

3] The applicant is apprehending arrest in connection with Crime No. 148/2024, registered with Parali City Police Station, Dist. Beed, for the offence punishable

under Section 109, 189 (2), 191 (2), 190, 118 (2), 352, 351 (2), 351 (3), 126 (2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 25 of the Arms Act, 1959.

4] This Court, by order dated 02.01.2025, has granted interim protection in favour of the applicant by noting submissions and reasons at para nos.3 to 8, as noted below :

3] *The case against the applicant as put up in the FIR registered on 14.10.2024 that the incident is dated 03.10.2024 wherein it is a case of the complainant that seven accused assaulted the complainant by means of sword, iron rod and iron pipe and he sustained grievous injury and was admitted in government hospital and thereafter, to a private hospital and thereafter FIR is registered. On information being lodged on 14.10.2024 on the same day, six of the accused had surrendered before the police.*

4] *In the remand report filed before the Magistrate, it is stated that as per the information received from the other co-accused the present applicant was not involved in the assault and that the applicant reached the spot later on. In the first information report it is stated by the informant that the applicant used sword and assaulted the informant on his head. The informant on account of the blow fell on the ground. Thereafter, the other accused with pipe and sticks assaulted the informant causing grievous injuries.*

5] *The applicant contend that he was not involved in the assault and that there is no corresponding injury on the informant as alleged in the FIR. So also, the learned counsel for the applicant submits that there is no independent evidence showing that the applicant was involved in the assault.*

6] *It is further stated that there is political rivalry between parties as is noticed from the FIR itself and that the applicant is roped in on account of the political rivalry.*

7] *Per contra, the learned APP submits that there are four grievous injuries on the informant and although, the FIR is registered after 11 days, the informant was in hospital and as such, the FIR is registered at belated point of time. As regards, the aspect about rivalry between the parties the same is not disputed by the learned APP. Considering injury certificate produced by the learned APP, in which it is stated that there are four injuries on the informant which are grievous in nature. The injuries are on the wrist and left hand of the informant.*

8] *Considering that there is prior rivalry between the parties, so also considering the fact that there is no corresponding injury as alleged in the FIR, the presence of the applicant becomes doubtful on the scene. The possibility that the applicant being roped in cannot be ruled out.*

5] The learned counsel for the applicant submits that the applicant has attended the concerned police station and has co-operated with the investigation.

6] Considering that in terms of interim order dated 02.01.2025, the applicant has attended the concerned police station and has co-operated with the investigation and considering the reasons mentioned in interim order dated 02.01.2025, the interim protection granted by order dated 02.01.2025 stands confirmed, in the following terms :

i] The applicant shall attend the concerned police station as and when required by the investigating officer.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

7] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

8] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE