



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

**19 ANTICIPATORY BAIL APPLICATION NO. 341 OF 2025
GOVIND BABASAHEB ITAPE**

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Sudarshan J. Salunke
APP for Respondent/State: Mr. N. B. Patil

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CORAM : ARUN R. PEDNEKER, J.

DATE : 17.03.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is apprehending arrest in connection with Crime No.0510/2024, dated 16.12.2024, registered at Majalgaon (City) Police Station, District Beed, for the offences punishable under Sections 109, 115(2), 3(5), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023.

3] The case against the applicant is that while the informant was travelling on the motorcycle he was stopped by the applicant and used abusive language and, thereafter, assaulted the informant by iron rod and the informant protected himself by using the left hand and, accordingly, his hands suffered fracture injury and the informant fell down. Thereafter, the applicant again assaulted the informant on his head by iron rod and injury is caused to

the head of the informant. Thereafter the informant' father and some other person came there and tried to resolve the quarrel and, thereafter, the informant's father took the informant to the police station, wherein the police referred him for the medical examination in which it is stated that the applicant's left hand is fractured and after treatment the FIR is registered.

4] The learned counsel for the applicant submits that the father of the applicant is also injured in the incident and, thereafter, the father went to the police station to lodge report, wherein the police referred him for the medical examination, wherein it is shown that there was an injury sustained on left thumb and he was advised for X-ray. Thus, the learned counsel submits that the genesis of the offence is not clearly disclosed.

5] The learned APP has produced injury certificate showing grievous injury on the hand but no injury on head to which the applicants states that the informant had fallen down and the FIR is registered after six days and that injury caused to hand is due to the fall.

6] The learned APP also submits that there is an eye witness evidence and even his statement is corroborated by the medical evidence.

7] Considering this aspect i.e. the father of the applicant being injured in the incident, prima facie, there seems some suppression of the genesis of the offence. There is no injury on the head of the informant; as stated by the informant and the witnesses. Considering the above, applicant can be granted anticipatory bail.

8] In view of the above, the application is allowed in the following terms :

i] In the event the applicant is arrested in connection with Crime No.0510/2024, dated 16.12.2024, registered at Majalgaon (City) Police Station, District Beed, for the offences punishable under Sections 109, 115(2), 3(5), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023, he shall be released on bail on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when required by the Investigating Officer.

iii] 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.

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

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

10] 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.

11] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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