



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

926 ANTICIPATORY BAIL APPLICATION NO. 1751 OF 2024

Babasaheb Baburao Dhage And Others

VERSUS

The State Of Maharashtra

928 ANTICIPATORY BAIL APPLICATION NO. 1755 OF 2024

Abhishek Babasaheb Dhage And Another

VERSUS

The State Of Maharashtra

Mr. A. R. Borulkar, Advocate for applicants
Smt. K. R. Jamdhade, APP for respondent/State

CORAM : R. M. JOSHI, J.

DATE : 15th January, 2025

PER COURT :-

1. Applicants apprehend arrest in connection with Crime No. 430/2024 registered with Chikalthana Police Station Dist. Aurangabad, for the offences punishable U/Sec. 352, 351(3), 351(2), 333, 191(2), 191(3), 190, 189(2), 118(1), 115, 109 of the Bhartiya Nyaya Sanhita, 2023.

2. First Information report lodged on 05.09.2024 by informant Aakash indicates that some incident had occurred on 03.09.2024 at 08:30 P.M. in which co-accused Ganesh has allegedly assaulted her with the help of sword. There is other allegation that they assaulted her with sticks.

3. Learned counsel for the applicants submits that co-accused Ganesh has lodged report against the informant on 04.09.2024 and present report is by way of counter blast. He submits that co-accused Ganesh is already arrested and now he is enlarged on bail. It was alleged against him of use of sword in the said assault. It is his submission that the possibility of false implication is not ruled out, in view of delay in FIR.

4. Learned APP opposed the application by citing seriousness of the crime.

5. In the First Information Report, there is allegation about 7 persons causing assault on him with sword and sticks. There are two injuries caused to the informant as indicated in the injury certificate. The first injury is about 6 cm which is attributable to Ganesh and not to any other accused. This Court, therefore, finds substance in the contention of the learned counsel for the applicants that it is not a case wherein six person assaulted the informant with sticks as only a single and simple injury is caused to him. This aspect has become relevant in view of the fact that there is delay about 2 days in lodging of the report. Furthermore, having regard to the nature of injuries caused to the applicant, offences punishable under Section 118 of Bhartiya Nyaya Sanhita, 2023 may not be attracted as rightly pointed out by the learned counsel for the respondent. Liberty of the applicants is protected since

October, 2024. There is no allegation about the misuse of the liberty.
Hence application is allowed in terms of interim order.

(R. M. JOSHI, J.)

bsj