



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

50 ANTICIPATORY BAIL APPLICATION NO. 1914 OF 2024

PAWAN @ BALASAHEB DEVIDAS RATHOD

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Ravindra B. Ade

APP for Respondent/State: Ms. Neha Kamble

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CORAM : ARUN R. PEDNEKER, J.

DATE : 20th JANUARY, 2025

PER COURT:

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.324/2024, registered at Georai Police Station, District Beed, for the offences punishable under Sections 109, 118(1), 115(2), 352, 351(2), 351(3) r/w Section 3(5) of the Bhartiya Nyaya Sanhita, 2023 (Old u/s 307, 324, 323, 504, 506 r/w 34 of the IPC).

3] This Court, by order dated 29/10/2024, granted interim protection to the applicant. The learned Counsel for the applicant submits that the applicant has cooperated with the investigation, and the charge sheet in the matter has been filed and the case is committed to the Sessions Court. It is also pointed out that the victim/informant sustained one grievous injury on the head, which is attributed to one Mr. Sudam Chavan. The learned Counsel for the applicant further

submits that Sudam Chavan has been granted regular bail after remaining in jail for two months.

4] *Per contra*, the learned APP points out that the statement of an eyewitness was recorded on 10/11/2024, wherein the name of the present applicant was mentioned, and the injury on the head is attributed to the present applicant.

5] Considering the fact that there is only one grievous injury and the informant mentioned the name of Sudam Chavan as author of the injury and Mr. Sudam Chavan has already been granted bail by this court vide order dated 29.11.2024, passed in BA/1974/2024, by observing at para 4, as under:

“4. Considering the nature of the injury as shown in the medical certificate issued by the private hospital, filed along with the charge sheet, the injury is categorized as simple in nature. The applicant was arrested on 26/08/2024, and the charge sheet in the matter has also been filed. In view of the same, the trial may take considerable time to reach finality. Additionally, there is a contradictory statement by one witness, Mr. Mahadeo Rathod, who has stated that some person other than the applicant assaulted the injured.”

6] Considering the fact that the statement of the eye witness was recorded on 10.11.2024 i.e. after four months and also considering the fact that the injury is attributed to the accused Sudam Chavan, interim protection deserves to be confirmed.

7] In view of the above, the interim protection granted by order dated 29.10.2024 stands confirmed, on the following terms:

i] The applicant shall attend the 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.

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

9] 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.

10] The application stands disposed of.

[ARUN R. PEDNEKER, J.]

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