



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.2029 OF 2024

Krushna Chandrakant Rodge .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr. Nilkanth R. Pawade, Advocate for the Applicants.

Mr. N. B. Patil, APP and Mr. D. A. Madake for Respondent.

CORAM : ARUN R. PEDNEKER, J.

DATE : 03.02.2025

PC.:-

1. Heard learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicant has approached this Court apprehending arrest in connection with FIR No.0539/2024 dated 25.10.2024, registered with Selu Police Station, Taluka Selu, District Parbhani for the offences punishable under sections 109, 118 (2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. This Court by the order dated 06.01.2025, granted interim protection to the applicant considering the fact that the injury certificate is not produced and also that the Sessions Court has not referred the injury certificate. The learned counsel for the applicants submits that in pursuance of the order passed by this Court vide order dated 06.01.2025, the applicant has attended the police station. The learned counsel for the applicant submits that the weapons were also recovered from the spot and there is no further recovery to be made at

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the instance of the applicant. The learned counsel for applicant also submits that there was fight between two persons and the victim had intervened due to that the complainant sustained injuries.

4. Per contra, the learned APP has produced injury certificate, in which, it is stated that there are three simple injuries, but one fracture injury is caused on orbital floor, which is grievous.

5. Prima-facie, considering the fact that there was fight between two persons and the informant having intervened, the informant was assaulted at the spur of the moment and due to that the informant sustained the above injuries. No role is attributed to the present applicant in causing grievous injury and the grievous injury is caused at the instance of another accused. Considering the facts in this matter, so also the fact that the assault happened at the spur of the moment, no further custodial investigation is required of the applicant and the interim protection granted on 06.01.2025 needs to be confirmed.

6. In view of the above, the application is allowed and interim protection granted by this Court on 06.01.2025 is confirmed on the following terms :

- i] The applicant shall attend the police station once a fortnight for a period for four months from today.
- 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