



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 ANTICIPATORY BAIL APPLICATION NO. 2166 OF 2024

VASANT ATMARAM JULE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Hange Rajendra G.

APP for Respondents 1 & 2 : Mr. B.B. Bhise

Advocate for assisting APP : Mr. S.G. Kawade

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CORAM : ARUN R. PEDNEKER, J.

DATE : 07.02.2025

PER COURT :

1. Heard the learned counsel for the applicant, the learned APP for the respondents-State and Mr. S.G. Kawade, learned advocate assisting APP.
2. The applicant is apprehending arrest in connection with Crime No. 305/2024 dated 3.11.2024 registered with Pimpalner Police Station, District Beed for the offences punishable under sections 109, 115(2), 118(1), 351(2), 352, 3(5) of the B.N.S., 2023.
3. This Court by order dated 7.1.2025 has granted interim protection to the applicant by noting the submissions at para Nos. 4, 5 and 6 and the reasons at para No. 7, which are as under :-

"4. The case against the applicant, as noted in the First Information Report registered by the informant Balasaheb Kothule, is that on 02/11/2024, between 11:00 and 11:30 a.m., during the Diwali festival, a buffalo procession was arranged in the village. The informant, along with his brother Shahadeo, Rahul, and cousin Shubham, went to watch the program. At that time, the applicant and the co-accused, due to a previous quarrel, allegedly assaulted his brother Rahul with an axe on the head. As a result of the assault, Rahul sustained grievous injuries, collapsed, and was later shifted to the hospital.

5. The crime was registered on 03/11/2024 at 2:50 p.m.

Apprehending arrest, the present application for anticipatory bail is filed. The learned Counsel for the applicant submits that the injury sustained by Rahul is only a Contused Lacerated Wound (CLW) and, therefore, it is apparent that an axe was not used in the commission of the crime. It is further submitted by the learned Counsel that the applicant's medical history mentions an assault by someone, but the applicant is not named in it. Additionally, the learned Counsel argues that the First Information Report was registered against the applicant 24 hours after the incident due to a previous quarrel. The patient has also not disclosed how he sustained the injury before the medical officer, and his statement was not recorded by the police at the hospital.

6. Per contra, the learned APP, along with the learned Counsel for the complainant, submits that there are six eyewitnesses to the incident. The injury sustained by Rahul is on a vital part of the body, i.e. the head, and is grievous in nature. It is also stated that the complainant's statement under Section 164 of the Cr.P.C. has been recorded before the Magistrate, wherein he maintained the contents given in the FIR.

7. Upon reviewing the police papers, it is observed that the injury on the head is noted as a simple injury. The medical papers indicate that the head injury is a Contused Lacerated Wound and is classified as simple. Considering these facts, in the meanwhile, there shall be an interim order in the following terms”

4. The learned counsel for the applicant submits that in pursuance of the above order, the applicant has attended the police station and has cooperated with the investigation. Thereafter, on 4.1.2025 the applicant was again directed to attend the police station on 17.1.2025, 20.1.2025 and 27.1.2025 between 10.30 a.m. to 1.30 p.m. The learned counsel for the applicant submits that as per the above order also, the applicant has cooperated with the investigation.

5. The learned counsel appearing for informant submits that the applicant has given threats to the informant.

6. In view of the submission of the learned counsel for the informant, the learned counsel for the applicant submits that the applicant would stay out of village Vaibhatwadi, Taluka and District Beed till the filing of the chargesheet.

7. Considering the above submissions, I hold that anticipatory bail can be granted to the applicant.

8. In view of the above, the application is allowed and the interim protection granted on 7.1.2025 is confirmed on the following terms :

i] The applicant shall attend the police station as and when required.

ii] The applicant shall stay out of village Vaibhatwadi, Taluka and District Beed till the filing of the chargesheet.

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, J.]