



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

948 ANTICIPATORY BAIL APPLICATION NO. 2122 OF 2023

Pochalu @ Pochiram S/o Naganna Kayatwad
& others

....Applicants

VERSUS

The State of Maharashtra

.....Respondent

.....

Mr. A. B. Kharosekar, Advocate holding for Mr. O. B. Boinwad,
Advocate for Applicant.

Smt. K. R. Jamdhade, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 8th JANUARY, 2025.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 0437/2023 registered with Degloor Police Station, District Nanded, for the offences punishable under Sections 307, 341, 143, 147, 148, 149, 324, 323, 504, 506 of Indian Penal Code.

2. First Information Report indicates that the incident had occurred on 05.10.2023 in which the accused said to have assaulted informant with wooden stick and fists and kicks blows. There is also allegation against Application No. 1 that he assaulted the father of the informant on his head with a big stone.

3. Learned counsel for the Applicants submits that nothing is to be recovered at the instance of the present Applicants and that the offence punishable under Section 307 of Indian Penal Code is not made out.

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

5. Perusal of First Information Report indicates that there is allegation against Applicant No. 1 that he caused injury on the head of the injured with stone. However, injury certificate of injured indicates that he sustained simply injury. Only one injury is found on his head. This Court, therefore, finds prima facie substance in the contention of learned counsel for the Applicants that the offence punishable under Section 307 of Indian Penal Code may not get attracted. Nothing is to be recovered from the Applicant. Statement is made that the Applicants have no criminal history. They are not likely to flee from justice. Their liberty was protected by order dated 22.12.2023. There is nothing on record to indicate that they misused

the liberty. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb