



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

ANTICIPATORY BAIL APPLICATION NO. 2031 OF 2024

BHUSHAN HARI CHAUGULE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
WITH
ANTICIPATORY BAIL APPLICATION NO. 2033 OF 2024

MAYUR ANIL SATPUTE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for the applicants : Mr. Tapan K. Sant
APP for respondent/State : Mrs.M.S. Ghanekar

.....
CORAM : ROHIT W. JOSHI, J.
(VACATION COURT)

DATED : 24th DECEMBER, 2024.

PER COURT :-

1. Both these anticipatory bail applications arise out of offence registered with Amalner Police Station, Dist. Jalgaon on 18.02.2024 vide F.I.R. No.61/2024 for the offence punishable under Sections 307, 323, 143, 147, 148, 109, 504, 506, 336 and 149 of the Indian Penal Code.
2. At the outset, I would like to quote the order dated 19.12.2024, which reads as under :-

"1. Learned APP seeks time as papers are not received.

2. Stand over to 21.01.2025.

3. Liberty to move before Vacation Court."

3. Initially, this Court was not inclined to take these matters during vacation, however, learned counsel for the applicants made a statement that when matters were listed on 19.12.2024, it could not be heard only because the police papers were not available with the learned APP. He submits that it is only this the liberty to mention the matters before Vacation Court is granted. The learned APP has confirms the statement in all fairness. It is in this backdrop that the matters are taken up for hearing with the consent of the parties.

4. The learned counsel for the applicants submits that the essential ingredients of Section 307 which is main section under which the applicants are charged are not attracted. He draws my attention to the injury certificates at pages 97 and 106 in the charge-sheet. Perusal of the injury certificate at page 106 demonstrates that he has suffered blunt trauma on the occipital region of head, contused lacerated wounds over parietal region of head, blunt trauma over back, swelling and pain over right leg and blunt trauma below left eye and cause of injury is stated to be assault with hard blunt object. In view of the injury certificate, he submits that the offence under Section 307 of the IPC itself is not made out. He further submits that the charge-sheet is

already filed in the matter and the custody of the applicants is not required in as much as investigation is over.

5. The learned APP has strenuously opposed the applications. She submits that the contents of the FIR clearly reveal that an iron rod was used for assaulting the informant by Bhushan, the applicant in ABA No.2031/2024 and Mayur, the applicant in ABA No.2033/2024 has used a fighter in order to inflict serious injuries on the body of the informant. Referring to the injury certificate, she would submit that multiple injuries have been suffered by the informant, particularly on the head which could, in a given case, prove fatal. She submits that the offence is serious in nature and as such applications should be rejected.

6. I have perused the papers including the contents of the FIR and injury certificates and other documents with able assistance of the learned counsels.

7. Although, it is alleged that the injury on the parietal region of the head is caused by iron rod, medical certificates would suggest that it is likely to be caused by wooden stick. No particular injury has been co-related by any medical certificate to the weapon, "fighter".

8. It is undisputed that nature of injuries is mentioned as simple. The incident has occurred way back in February, 2024. The learned counsel for the applicants makes a statement that both the applicants do not have any criminal antecedents. The learned APP is not in a position to dispute the same. Having regard to the totality of the circumstances and most importantly the nature of injuries, I am inclined to allow the applications. Hence, the following order :-

ORDER

- (i) The applications are allowed.
- (ii) In the event of arrest of the applicants in connection with offence registered with Amalner Police Station, Dist. Jalgaon on 18.02.2024 vide F.I.R. No.61/2024 for the offence punishable under Sections 307, 323, 143, 147, 148, 109, 504, 506, 336 and 149 of the Indian Penal Code, they be released on anticipatory bail on executing personal bond of Rs.25,000/- each along with one surety in the like amount by each of them. The applicants shall attend the concerned police station as and when required and shall co-operate in the investigation.

(ROHIT W. JOSHI, J.)

sga/