

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2432 OF 2015

Digvijay s/o Sambhaji Sherkhane & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra & Anr. **RESPONDENTS**

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Mr. S.J.Salunke, Advocate for Applicants.

Mrs. Pratibha Bharad, A.P.P. for R.No.1 - State.

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CORAM : V.M.DESHPANDE, J.

DATE : 16th JUNE, 2015

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PER COURT :

1. The applicants are apprehending their arrest in connection with Crime No. 248/2015 registered with Mukundwadi police station, Aurangabad Dist. Aurangabad for the offence punishable u/s 365,341,324,323,143,147,148, 149,504 of the Indian Penal Code and u/s 135 of the Maharashtra Police Act, 1951.

2. Heard Mr. S.J.Salunke, learned counsel for the Applicants and Mrs. Pratibha Bharad, learned A.P.P. for Respondent No.1 - State.

3. F.I.R. is lodged by the first informant Ashok

Narayan Mhaske. It is to be noted that the said first informant is accused in Crime No. 246/2015 registered with Mukudwadi police station on the very same date for the offence punishable u/s 452,142,143,144,147,148,149,324,504,506 of the Indian Penal Code u/s 135 of the Maharashtra Police Act, 1951. The said F.I.R. is lodged by Digvijay s/o Sambhaji Sherkhane, who is applicant No. 1 in the present Criminal Application. It is clear from the F.I.R. that it was lodged because of the municipal election. According to the F.I.R., it is alleged that the accused persons took first informant to the office of applicant No. 1, there he was given beating by the present applicants. Since the occurrence is due to the political rivalry and in view of the fact that applicant No. 1 has already lodged report against the first informant, false implication at the instance of the first informant can not be ruled out.

4. In that view of the matter, present Criminal application needs to be allowed and accordingly it is allowed and the order dated 06/05/2015 granting ad-interim anticipatory bail stands confirmed.

5. Present Criminal application is disposed of.

[V.M.DESHPANDE, J.]