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

927 ANTICIPATORY BAIL APPLICATION NO.621 OF 2022

**RUSHIKESH RAVINDRA PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

Mr. A.B. Girase, Advocate for applicants;
Mr. V.M. Kagne, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 15th June, 2022

P.C.

1. Heard the learned Counsel appearing on behalf of the applicants and the learned A.P.P. for the respondent.
2. This Court, after having gone through the facts of the matter, has passed a detailed order on 13.5.2022 granting interim protection in favour of the applicants.
3. Learned Counsel for the applicants would submit that the detailed facts of the matter have already been considered by this Court and, therefore, the interim protection granted in favour of the applicants deserves to be confirmed.

(2)

4. Per contra, the learned A.P.P. for the respondent-State would submit that the allegations have been made that the tractor was taken on the person of the complainant, who has sustained the injuries. The injury certificate is available. In the offence punishable under Section 307 of the Indian Penal Code, the injury is not the factor to be considered. The offence is serious, hence, application may kindly be dismissed.

5. Learned A.P.P. is right in his submission that the injury for offence punishable under Section 307 of the Indian Penal Code is not the factor to be considered. This Court has considered the facts in detail while passing the order on 13.5.2022, hence those are not reproduced here, but are considered for the disposal of this application. The facts discussed in detail in the order dated 13.5.2022 prima facie reveal that the applicants are entitled to the anticipatory bail. No new material has been brought by the prosecution to disbelieve the facts pleaded by the applicants. It is a property dispute between the two parties and civil suits were already instituted.

(3)

6. Having regard to the facts as discussed in the order dated 13.5.2022, this Court is of the view that the interim protection granted in favour of the applicants deserves to be confirmed. Hence, the Criminal Application stands allowed on the same terms of bail bonds, on condition that the applicants shall attend the concerned police station as and when called by the Investigating Officer on written notice.

(S. G. MEHARE, J.)

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