

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

ANTICIPATORY BAIL APPLICATION NO.1076 OF 2022

1. Bhausahab Sonyabapu Wakade
2. Santosh Sonyabapu Wakade
3. Sonyabapu Rambhau Wakade ...Applicants

Versus

1. The State of Maharashtra
2. Deputy Superintendent of Police
District Ahmednagar. ...Respondents

...

Advocate for Applicants : Mr. Latange V.P.
APP for Respondents : Mr. K.S. Patil

...

CORAM : S.G. MEHARE, J.

DATED : 30th AUGUST, 2022

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. The applicants and the complainant are real brothers. They have dispute over the land. Learned counsel for the applicants would submit that on 21.07.2021, the complainant assaulted one of the accused Santosh Sonyabapu Wakade and he has lodged the report to the police. However, no incident as alleged against them happened. The FIR is lodged after about six days of the alleged incident. It was filed out of vengeance to pressurize the applicants.

He would submit that the delay has not been explained and the serious offence under Section 307, 143, 147, 506 of the Indian Penal Code has been registered. Nothing is to be recovered from the applicants. Hence, they may be granted anticipatory bail.

3. Learned APP has produced the injury certificate dated 21.07.2022 and also produced the spot panchnama. He would submit that since the report is delayed, no material is found on the spot of the incident as per the allegations.

4. Perused the papers. The complainant did not explained the delay in lodging the report. The injury certificate dated 21.07.2022 also did not disclosed the history of the assault. There were no signs of administering the poisonous substance on the spot of the incident. The complainant took the treatment in private hospital. The unexplained delay gives the benefit to the applicants. It seems that it is a dispute between the brothers. Considering the papers, this Court is of the view that there is nothing to be recovered from the applicants. Hence, the following order :

ORDER

(A) The Application is allowed.

(B) In the event of arrest, the applicants, (1) Bhausaheb Sonyabapu Wakade (2) Santosh Sonyabapu Wakade and (3) Sonyabapu Rambhau Wakade, be released on anticipatory bail, on executing PB. and S.B. of Rs.15,000/- (Fifteen Thousand) each with

(3)

one solvent surety in the like amount in Crime No.547 of 2021 registered with Pathardi Police Station, District Ahmednagar for the offence punishable under Sections 307, 143, 147, 506 of the Indian Penal Code, on the condition that they shall attend the police station as and when called by the Investigating Officer on written notice and shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)

Mujaheed//