

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

25 ANTICIPATORY BAIL APPLICATION NO.1078 OF 2022

MURLIDHAR KADU KHEDKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. P. P. More h/f Mr. Gore R. V.
APP for Respondents-State : Mr. V. M. Kagne.
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CORAM : S. G. MEHARE, J.
DATE : 29.08.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The complainant and the applicant are cousin. They had dispute over the land. The incident allegedly happened on 17.07.2022. It has been alleged against the applicant that he assaulted the first informant with stick. The applicant has a case that he has been falsely implicated in the crime. He has no role to play in the alleged incident. Nothing is to be recovered from the applicant. The police unnecessarily made this offence serious by adding Section 307 of the IPC.
3. Learned APP has opposed the application contending that few of the injured have suffered serious injuries. The first

informant has suffered simple injury. The alleged stick has been seized. Considering the gravity of the offence, the application may be rejected.

4. It appears that due to the dispute on the boundary, both the parties were fighting. The allegations against the applicant is that he assaulted the first informant with stick. The said stick has been seized. The complainant suffered a simple injury. Considering the role attributed to the applicant, the custodial interrogation of the applicant would serve no purpose. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the applicant by the order dated 12.08.2022 stands confirmed on the same terms and conditions with an additional condition that the applicant shall attend the Police Station as and when called by the Investigating Officer on written notice.

(S. G. MEHARE, J.)

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vmk/-