

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.813 OF 2021

Digambar Shalikram Sakhre and others

Versus

State of Maharashtra, through P.S.O., Chandur Bazar, Amravati

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.V. Sirpurkar, Advocate for the applicants.

Shri S.A. Ashirgade, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 28/02/2022

1. On the allegations that the accused persons, including the applicants formed an unlawful assembly and assaulted the complainant, the Crime No.509 of 2021, dated 12.11.2021 was registered with Police Station Chandur Bazar, Amravati Rural for the offence punishable under Sections 324, 326, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.

2. Shri Sirpurkar, learned counsel for the applicants submits that there is a rivalry between the complainant and the applicants on the ground of boundaries of their adjoining agricultural field. It is submitted that out of that rivalry, the applicants have been falsely implicated in the present case.

3. On the other hand, Shri S.A. Ashirgade, learned A.P.P. strongly opposes the application and submits that sufficient material was collected during the investigation to show the involvement of the applicants in the alleged offence.

4. On perusal of the case diary and after going through the injury report, I find that *prima-facie* injury report does not corroborate the case of the complainant as regard assault.

5. In that view of the matter, as *prima facie* material is not available to show clear involvement of the applicants in the alleged offence, I am of the opinion that the applicants are entitled for grant of bail.

6. The application is **allowed**.

7. *Ad-interim* anticipatory bail granted by this Court vide order dated 30.11.2021, is confirmed.

8. The applicants shall attend the concerned Police Station as and when their presence is required.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]

CHETAN
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DHAKATE

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