

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

917 ANTICIPATORY BAIL APPLICATION NO.279 OF 2023

1. Siddharth Subhash Belhekar,
2. Subhash Raybhan Belhekar, ...Applicants

VERSUS

1. The State of Maharashtra
2. The Superintendent of Police,
Ahmednagar. ...Respondents.

...
Advocate for Applicants : Mr.Narwade Narayan B.
APP for Respondents-State : Mr.K.N.Lokhane
...

WITH

APPLN/1028/2023 IN ABA/279/2023

Babasaheb Kusnath Belhekar, ...Applicant
VERSUS
Siddharth Subhash Belhekar and Ors. ...Respondents

...
Advocate for Applicant : Pradeep V. Ambade
APP for Respondents-State : Mr.K.N.Lokhane
Advocate for Respondent Nos. 1 & 2 : N.B.Narwade
...

CORAM : R. G. AVACHAT, J.

DATE : 17.03.2023.

PER COURT :

1. Criminal Application No. 1028 of 2023 in A.B.A. No. 279
of 2023 is allowed. The intervener is permitted to assist the learned

APP.

2. Heard.

3. The First Information Report ("F.I.R.") has been lodged on 14.02.2023 by the victim Babasaheb in relation to the incident that took place on 12.02.2023, at 1.00 p.m. in his land. The applicant Subhash is the nephew of the informant, while applicant Siddharth is the cousin grand son of the informant. It appears that, there is dispute over a bore-well. A cross FIR over the same incident was filed. The learned Advocate for the intervener/informant would submit that, the discharge summary indicates that the informant has suffered head injury, which might have proved fatal had he not been treated in time. He also submits that, a co-accused who was already at Ahmednagar, has been named in the FIR. Same indicates falsity on the part of the applicants and his family members. According to the learned Advocate for the informant the bore-well in the land is of the informant himself over which the same incident is happened. In June, 2022 the informant's son has lodged a report with the Superintendent of Police, Ahmednagar.

4. The learned APP submits that in the offence of unlawful assembly, each one of accused would be criminally liable equally.

5. The injury certificate of the informant suggests that he suffered simple injury. It appears that, the alleged head injury suffered by the informant is not attributable in assault allegedly made by any of the applicants. Applicant No. 2 Subhash is Lecturer in Junior College, Sonai. He is alleged to have robbed the informant of his 36 grams of gold chain. The learned Advocate for the applicants has a reason to contend that such allegations are being made only with a view to make the alleged offence serious and ensure the applicant do not get anticipatory bail. He may have reason to say so, since there is two days delay in lodging the FIR.

6. Seen the injury certificate of the informant. He suffered simple injury and there being delay of two days in lodging of the FIR, possibility of giving exaggerated version of the incident could not be ruled out.

7. In view of the same, the application is allowed in terms of following order :

ORDER

(I) In the event of arrest of the applicants, in connection with Crime No. 75 of 2023 registered with Sonai Police Station, Tq. Nevasa, Dist. Ahmednagar for the offences punishable under Sections 327, 324, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code, the applicants be released on their executing P.R. bonds in the sum of Rs.15,000/- (Rupees Fifteen

Thousand) each with one surety each in the like amount.

(II) The applicants shall appear before the investigating officer, as and when required for the investigating purpose.

(III) The applicants shall not tamper with the prosecution evidence.

(R. G. AVACHAT)
JUDGE

mahajansb/