

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

30 ANTICIPATORY BAIL APPLICATION NO.418 OF 2023

1. Ramhari Mahadeo Waibase
2. Sakhubai w/o Ramhari Waibase
3. Baban s/o Uttareshwar Choure
4. Vijaymala w/o Baban Choure ... Applicants

VERSUS

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

...
Advocate for Applicants : Mr.Kawade Shrikant G.
APP for Respondent-State : Mr.A.A.Jagatkar
...

CORAM : R. G. AVACHAT, J.
DATE : 24.04.2023.

PER COURT :

1. This is an application under Section 438 of Code of Criminal Procedure. The applicants claim to have apprehension of being arrested in connection with Crime No. 29 of 2023 registered with Dharur Police Station, Dist. Beed for the offences punishable under Sections 307, 324, 323, 504, 506, 109 read with Section 34 of the Indian Penal Code.

2. Heard.

3. It has been alleged in the First Information Report (for short "FIR") that on 11.02.2023 by 10.00 in the morning, the informant was proceeding towards his field. The applicants came to the field of the informant. The applicants allegedly questioned the informant, as to why did he come to the field when a civil suit was pending. It has further been alleged that applicant Baban gave a kick at the private part of the informant. Thereafter, the applicant poured petrol/diesel like substance on the person of informant, ignited a match stick and threw it on the person of the informant. Due to that, the clothes on the person of the informant caught fire. All of them started running halter shelter.

4. The FIR has been lodged 24 hours after the alleged incident. According to the informant, he was set ablaze. It is surprising that the injury certificate indicates that he suffered no burns. Veracity of the FIR is in doubt. Admittedly, a civil suit is pending between the families of the victim/informant on the one hand and the applicants, on the other.

5. It is reiterated that the averments in the FIR appears to have been doubtful. The injury certificates of the victim and and witness Ashwini Waibase indicate that they suffered injures simple in nature.

6. In view of the same, the order dated 24.03.2023, granting the applicants interim protection is hereby made absolute. The application is allowed and disposed of in the same terms and conditions.

(R. G. AVACHAT)
JUDGE

mahajansb/