

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

ANTICIPATORY BAIL APPLICATION NO. 513 OF 2023
WITH APPLN/1505/2023 IN ABA/513/2023

SUBHASH BAHUSAHEB ZANJE
VERSUS
THE SUPERINTENDENT OF POLICE, BEED AND ANOTHER

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Advocate for Applicant : Mr. P.P. More
h/f. Mr. Korade Dnyaneshwar Ramdas
APP for Respondents : Mr. V.S. Badakh

CORAM : R.M. JOSHI, J.
DATE : 06th June, 2023

PER COURT :

1. Applicant is apprehending arrest in connection with FIR No. 30/2023, registered with Ambhora Police Station, Taluka Ashti, Dist. Beed, for the offences punishable under Sections 354, 354 (B), 504, 506 of IPC.
2. Informant claims that on 24.02.2023 at around 07:30 a.m. while she was working in the agricultural field, accused came on the spot and physically abused her. At that time, she raised shouts and hearing the same her husband came to the spot. On the basis of the said information, offence came to be registered against the accused.
3. Learned counsel for the applicant states that there is documentary evidence on record to suggest that prior to one

month of the alleged incident, there was quarrel between the children of two families and out of which some incident occurred and both sides lodged complaints against each other. It is contended that the lodging of false FIR in the aforesaid facts cannot be ruled out.

4. Learned APP opposes the application with the contention that the statement of the informant recorded by the Magistrate under Section 164 of Cr.p.c. is consistent and thus, there is no reason to disbelieve the same.

5. There is material on record to show that both sides had lodged complaint to the police in respect of the incident occurred between two families out of the quarrels between their children. As far as present FIR is concerned, though the incident in question has occurred at 07:30 a.m. there is no explanation as to why the immediate FIR was lodged. On the contrary, the FIR shows that before lodging the same there was deliberation between informant and her husband.

6. Having regard to the aforesaid facts, there is reason to believe that the present report could be an outcome of quarrel which took place a month before. Delay in lodging the FIR is not explained satisfactorily. Pursuant to the interim relief granted by

this Court, applicant has remained present before the investigating officer and has co-operated the investigation. There is nothing on record to show that applicant has misused the liberty.

7. In view of the aforestated facts, the interim relief deserves to be confirmed. Hence, application stands allowed on same conditions imposed while granting interim relief.

[R.M. JOSHI, J.]

SPChauhan