

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.520 OF 2023

ANIKET @ PAPPU KACHRU AMBEDKAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. A. L. Kanade
APP for Respondents: Mrs. R. P. Gaur
Advocate for Asst to P.P. : Mr. R. K. Temkar

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CORAM : R.M. JOSHI, J

DATE : JUNE 13, 2023

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 141 of 2023 registered with MIDC Police Station, Ahmednagar for the offences punishable under Sections 327, 324, 323, 341, 506, 143, 147, 149 of Indian Penal Code.

2. It is the case of the informant Balasaheb that there are disputes between him and his neighbouring land owner Kachru. It is alleged that on 11.02.2023 at around 11.30 am Applicant and co-accused came to the spot of the incident and obstructed them from erecting polls. It is further alleged that present Applicant assaulted him on his head with spade and cash of Rs.

2,300/- was snatched from his pocket.

3. Learned Counsel for the Applicant states that the alleged incident has occurred on 11th February, 2023 and the statement of the informant was recorded by police 15.02.2023. Thus, according to him, there is unexplained delay in lodging FIR. This makes case of the informant not believable. It is further submitted that in respect of the incident occurred on the same day offence is registered against informant and other persons.

4. Learned APP opposed the said submissions by stating that the informant has received injury to his head and which supports the allegations in the FIR. According to her, for the purpose of recovery of the weapon custodial interrogation of the Applicant is necessary.

5. Perusal of the injury certificate of the informant shows that he had sustained abrasions over his head. Causing of abrasion after the assault is made with spade is difficult to accept. Apart from this, there are no circumstance which prevented informant for

lodging immediate FIR against Applicant and co-accused in respect of the incident dated 11.02.2023 belatedly creates doubt about genuineness of the FIR. Applicant has no criminal antecedents. Considering the disputes between the parties, the possibility of false implication cannot be ruled out. Appropriate direction to Applicant to cooperate the investigation will be sufficient for further effective investigation.

6. Hence, the order:

O R D E R

- (i) In the event of arrest of the Applicant in connection with Crime No. 141 of 2023 registered with MIDC Police Station, Ahmednagar for the offences punishable under Sections 327, 324, 323, 341, 506, 143, 147, 149 of Indian Penal Code, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- (ii) He shall attend the concerned police station as and when required.
- (iii) He shall not contact the prosecution witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in

any manner whatsoever.

- (v) He is further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)

Malani