

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

ANTICIPATORY BAIL APPLICATION NO.705 OF 2023

YOGESH NAMDEO PATIL AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. V. B. Patil

APP for Respondents: Mr. G. O. Watamwar

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CORAM : R.M. JOSHI, J

DATE : JUNE 15, 2023

PER COURT :

1. Applicants are apprehending arrest in connection with Crime No. 27 of 2023 registered with Nandurbar Taluka Police Station for the offences punishable under Sections 392, 323, 504 read with Section 34 of the Indian Penal Code.

2. It is alleged by the informant that on 05.02.2023 at around 02.30 pm present Applicants came in front of his house and they were hurling abuses against him. He came out of the house and asked the Applicants not to abuse. At that time they had beaten him with fist blows. It is further alleged that Applicant No. 1 caught hold him and Applicant No. 2 removed gold ring and silver bracelet and Rs. 3,000/- from his pocket.

3. Learned Counsel for the Applicants states that there are disputes between the parties which can be seen from the fact that Applicant No. 1 had lodged report against Sambhaji Patil and Ramchandra Patil in respect of incident dated 02.02.2023. It is contended that present Applicant is accomplice of these accused against whom report was lodged. It is also submitted that this is nothing but the counter blast to the report filed by the Applicant No. 1.

4. Learned APP opposed the said submissions by referring to the investigation papers. According to him, there are statements of witnesses which indicate that the incident stated in the FIR has in fact occurred.

5. Merely because there are disputes between the parties it cannot be presumed that no offence could be committed and in each case there would be a false implication. At this stage, the Court is required to see as to whether the statement of informant gets support from other material on record. Perusal of the investigation papers shows that there are statements of persons who reside in the neighborhood of the place of

occurrence of the incident. Thus, the statement of informant gets corroboration from these statements. The lodging of the report is immediate and hence, this Court finds it difficult to accept that the report is only by way of false implication and counter blast to the report given by the Applicant No. 1.

6. It is sought to be argued that in respect of offence lodged by the Applicant No. 1 against accused in C.R. No. 27/2023 they are granted anticipatory bail. Grant of anticipatory bail to the accused in different crime cannot become ground to enlarge present Applicant on bail as the said order is passed considering the facts and circumstances of that case.

7. At this stage, this Court is of the view that allegation against present Applicants made in the FIR are supported by the statements of eye witnesses. It is the case where custodial interrogation of the Applicants is necessary in the recovery of articles. Hence, no case is made out for grant of anticipatory bail. Accordingly, application stands dismissed.

(R.M. JOSHI, J.)

Malani