

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

ANTICIPATORY BAIL APPLICATION NO.778 OF 2023

PRATAPRAV @ APPA S/O DNYANDEV JADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Sohail Subhedar h/f Mr.
N. S. Ghanekar

APP for Respondents: Mr. V. S. Badakh
Advocate for Informant :Ms. S.G. Sonawane

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CORAM : R.M. JOSHI, J

DATE : JULY 03, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 367 of 2023 registered with Shrigonda Police Station, Tq. Shrigonda, Dist. Ahmednagar for the offences punishable under Sections 327, 324, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.

2. Informant – Vaishali reported to the police that on 08.04.2023 at around 04.00 pm when she had been to the market, she was obstructed by Appa, Prashant and Vaibhav. They threatened her not to meet lawyer by saying that they have falsely implicated her husband and son in crime. It is further stated therein that on the very same day at around 11 pm when she and her

mother-in-law were sleeping, Applicants came with sickle in their hands. They snatched gold ornaments of the informant and after causing assault on her with sticks they tied informant and her mother-in-law to a pole in the house and thereafter they left the place. Informant went to the police and lodged report.

3. Learned Counsel for the Applicants states that there are number of reports lodged by the Applicants against informant's husband and son. In this regard, reference is made to the FIR dated 31.03.2023 wherein son and husband of the informant were alleged to have committed offence punishable under Section 307 of IPC. It is also stated that there are other 10 crimes lodged against son and husband of the informant. It is submitted that there is delay in lodging FIR and non reporting of the incident occurred at 04.00 pm indicates that this could be the case of false implication.

4. Learned APP and learned Counsel for the Informant opposed the application by saying that informant has specifically made allegations against present Applicants of snatching ornaments and

committing theft of cash of Rs. 1,15,000/- and also causing assault on the informant with wooden stick. It is contended that injury certificates supports the said allegation.

5. *Prima facie* consideration of the material on record indicates that the Applicant No. 1 had lodged report against husband and son of the informant for the offence punishable under Section 307 of IPC. There are other crimes recorded at the instance of Applicant Nos. 3 and 6 against them. Thus, there are disputes between parties. It is often seen that the dispute between the parties leads to the commission of crime as well as false implication in the crime. There is no justification given as to why no report was made about the incident occurred at 04.00 pm on 08.04.2023.

6. As far as allegation with regard to the incident occurred at 11.00 pm is concerned, the first information report shows that after alleged assault caused on the informant, she and her mother-in-law were tied with the pole in the house. She thereafter went to the police station and lodged the report. Pertinently, there is no statement recorded by the investigating

officer of any witness in this regard how she could reach police station and who released them. Apart from this, if informant is assaulted by about 7-8 persons with wooden stick, question arises as to how only three simple injuries are seen on his person. In the light of the dispute between the parties, the possibility of false implication cannot be ruled out. There is nothing on record to show that liberty granted to the applicants was misused by them. There are no criminal antecedents of Applicants. Hence, Application is allowed by confirming interim order dated 16th May, 2023.

(R.M. JOSHI, J.)

Malani