

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

ANTICIPATORY BAIL APPLICATION NO.780 OF 2023

JIWAN ABHIMAN LOKHANDE AND OTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. S. A. Patel
APP for Respondents: Mr. S. N. Morampalle

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CORAM : R.M. JOSHI, J

DATE : JUNE 15, 2023

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 159 of 2023 registered with Tuljapur Police Station, Dist. Osmanabad for the offences punishable under Sections 307, 323, 327, 324, 143, 147, 148, 149, 504, 506 of Indian Penal Code.

2. Raju Lokhande gave information to the police of occurrence of incident dated 21.04.2023 at about 05.45 pm. It is stated that the informant was working in the agricultural field and at that time Applicants and co-accused came to the spot and assaulted him with iron rod, axe, fist and kick blows. It is alleged that they snatched mobile phone and cash of Rs. 13,000/-.

3. Learned Counsel for the Applicants states that

the Applicants and the informant are adjoining land owner and there are pre-existing disputes between them. It is stated that considering the said disputes possibility of false implication cannot be ruled out. It is submitted that there is absolutely no allegation against Applicant No. 2 of causing assault on informant or any other injured person. He further submitted that considering the nature of injuries caused to the informant and injures, offence punishable under Section 307 of IPC is not attracted.

4. Learned APP opposed the application by submitting that there are specific allegation against Applicants for causing assault on the informant with iron rod and axe. He also referred to the injury certificates of informant and other witnesses in order to submit that in the said incident three persons have sustained injuries. Thus, according him, it is not the case wherein anticipatory bail can be granted to the Applicants.

5. It seems that there are disputes between informant side and the Applicants over the agricultural lands which are situated abutting to each other. It is

also informed to this Court that offences are registered against each other. Perusal of FIR shows that at the time of occurrence of the incident one Babasaheb had intervened. Investigation papers further do not show statement of this witness. On instructions from the investigating officer, learned APP states that this witness has refused to make statement as both sides are his relatives. There is no statement of independent witness to ascertain exact nature of offence. From FIR it does not appears that there is any overtact on the part of Applicant No. 2. Thus, there is no impediment in granting anticipatory bail Applicant No. 2.

6. As far as Applicant Nos. 1 and 3 are concerned, though there are allegations of causing assault causing injury to the informant apparently offence under Section 307 of IPC would not attract.

7. Learned Counsel for the Applicant has drawn attention of the Court to the reply filed by the State to the application for grant of anticipatory bail wherein it is stated that two accused are arrested and recovery of weapons has already been done. Applicants

are protected by interim order. There is nothing on record to show that they misused the said liberty. Appropriate directions to the Applilcants to appear before the investigating officer would be sufficient for further investigation, remained if any.

8. Hence, Application stands allowed in terms of interim order.

(R.M. JOSHI, J.)

Malani