

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

**ANTICIPATORY BAIL APPLICATION NO.824 OF 2023
WITH ABA/716/2023**

**MANJULA W/O. ZUMBAR KAMBLE
VERSUS
THE STATE OF MAHARASHTRA**

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**Advocate for Applicant : Mr. D. B. Pokale h/f Mr. N. J.
Patil**

APP for Respondents: Mrs. G. L. Deshpande

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CORAM : R.M. JOSHI, J

DATE : JUNE 13, 2023

COMMON ORDER :

1. Applicants in both Applications are apprehending arrest in connection with Crime No. 50 of 2023 registered with Lohara Police Station, Tq. Lohara for the offences punishable under Sections 143, 147, 148, 307, 149, 323, 504, 506 of Indian Penal Code.

2. It is the case of the informant that on 07.12.2022 owing to the dispute between informant and his neighbor, quarrel took place between the son of informant and Anil. When he went to the spot he saw Zumbar, Ramakant, Manjula, Rajashri also came to the spot. Accused Zumbar assaulted him on his head with axe. It is alleged that Ramakant assaulted him with

iron rod lying on the spot. In the said assault fracture caused to him. As far as other allegations against accused persons is that Manjula assaulted to the wife of the informant with fist blows.

3. Learned Counsel for the Applicants states that there is inordinate delay of two months in lodging FIR and considering the fact that there are dispute between the parties the possibility of false implication cannot be ruled out.

4. Learned APP opposed the said submissions. It is brought to the notice of the Court that counter complaints were lodged in respect of incident dated 07.12.2022 and informant herein was arrested by police and only after he was released on bail he could lodge the report about the incident. Reference is also made to the injury certificate of informant and his wife in order to show that injuries are caused to them. Thus, according to her it is not the case for grant of anticipatory bail to the present Applicants.

5. As far as the Applicant Manjula in ABA/824/2023 and Rajashri in ABA/716/2023 are concerned,

the allegations in the FIR against them are that they assaulted the wife of the informant with fist blows. *Prima facie* offence punishable under Section 307 does not attract to them. Applicant Ramakant in ABA/716/2023 is concerned, the allegation is that Ramakant had picked up iron rod, which was lying on the spot and caused injury to the informant on his right hand and fracture was caused to him. The said contention of the informant does not get support from the medical certificate as no such injury is seen to be caused to him. The injuries appearing on his person are not attributable to Ramakant but to co-accused.

6. Perusal of the FIR shows that there are disputes between informant and accused side. In such circumstances, exaggeration of occurrence of the incident cannot be ruled out. *Prima facie* there is no material on record to attract the offence punishable under Section 307 of IPC against present Applicants. There are no criminal antecedents recorded against them. Appropriate directions to appear before investigating officer and to cooperate in the investigation will be sufficient for further effective

investigation.

7. Hence, the order:

O R D E R

- (i) Applications are allowed.
- (ii) In the event of arrest of the Applicants in both Applications in connection with Crime No. 50 of 2023 registered with Lohara Police Station, Tq. Lohara for the offences punishable under Sections 143, 147, 148, 307, 149, 323, 504, 506 of Indian Penal Code, they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one solvent surety in the like amount.
- (iii) They shall attend the concerned police station as and when required.
- (iv) They shall not contact the prosecution witnesses directly or indirectly.
- (v) They shall not interfere with the evidence in any manner whatsoever.
- (vi) They are further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)