

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

ANTICIPATORY BAIL APPLICATION NO.937 OF 2023

1. Akash s/o Susen Dhawale
 2. Pratik s/o Dhananjay Dhawale
- ... APPLICANTS

VERSUS

1. The Superintendent of Police
Ahmednagar
 2. The Police Inspector,
Jamkhed Police Station.
- ... RESPONDENTS

WITH

ANTICIPATORY BAIL APPLICATION NO. 939 OF 2023

1. Dhananjay s/o Kisanrao Dhawale
 2. Sow. Anita w/o Susen Dhawale
 3. Sow. Madhuri w/o Dhananjay Dhawale
- ... APPLICANTS

VERSUS

1. The Superintendent of Police
Ahmednagar
 2. The Police Inspector,
Jamkhed Police Station.
- ... RESPONDENTS

Mr. R. R. Karpe, Advocate for the applicants
Mr. G. O. Wattamwar, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 14th JULY, 2023

P.C. :-

1. Applicants apprehend arrest in connection with Crime No.

200/2023 registered with Jamkhed Police Station, Tal. Jamkhed, Dist. Ahmednagar for the offences punishable under Sections 307, 324, 143, 147, 148, 149, 504, 506 of IPC.

2. On 12th May, 2023 while admitted in hospital informant Anil Dhawale reported the incident occurred on 12th May, 2023. According to informant present applicants came to the spot with weapons in their hand and that they assaulted him, Savita, Vishal and Asmita.

3. Learned counsel for the applicants states that there are disputes between the parties and that in the year 2017 similar allegation was made against the present applicants by the informant for the offence punishable under Section 307 of IPC and in that case report which has filed report under Section 169 of Cr.P.C. It is further contended that the dispute with regard to way was decided by the Competent Authority in favour of the present applicants and therefore being aggrieved by the same present report came to be lodged.

4. Learned APP opposed the application by submitting that there are specific allegations against the applicants showing their involvement in the crime and the same is supported by the present medical evidence on record.

5. There cannot be any dispute about the fact that both parties are at loggerheads since long. The document placed on record indicates that in the year 2017 also similar allegation was made against present applicants by the informant herein and in respect of which report came to be filed under Section 169 of Cr.P.C. Thus, there is substance in the contention of the learned counsel for the applicants that this could be a case of false implication or over implication. In such circumstances the Court needs to be careful in *prima facie* ascertaining the role of the applicants in said incident.

6. Perusal of the first information report shows that the allegation is made against almost every one however what is relevant at the stage is to consider whether the allegations get support from the injury certificates placed on record. There is allegation that Savita was assaulted with iron rod on her head, nose and left hand however there is no injury caused on the nose or left hand of the said witness. Similarly, the allegation against in respect of causing of injuries to Vishal can be attributed to the co-accused and not present applicants. Undisputedly female applicants did not use any weapon in the alleged incident and the allegation against them is that they used fist and kick blows to beat Asmita. Considering the dispute between the parties the aforestated

facts clearly indicate that the allegation made in the first information report against these applicants is not supported by the evidence in the form of medical certificate and this is a clear case of over implication. There is nothing to indicate that applicants abused liberty granted by order of this Court. In the aforesaid circumstances applications are allowed in terms of interim order dated 22nd June, 2023.

(R. M. JOSHI, J.)

ssp