

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

ANTICIPATORY BAIL APPLICATION NO.944 OF 2023

1. Lahu Madhavrao Biradar
 2. Ankush Madhavrao Biradar
- ... Applicants

VERSUS

The State of Maharashtra

.... Respondent

Mr. A. M. Reddy, Advocate and M. N. Kalyane, Advocate for the applicants
Mr. N. B. Patil, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 4th DECEMBER, 2023

P.C. :-

1. Applicants apprehend arrest in connection with Crime No. 308/2023 registered with Udgir Rural Police Station, Tal. Udgir, Dist. Latur for the offences punishable under Sections 326, 324, 323, 504, 506 r/w 34 of IPC.

2. On 11/05/2023 Prakash Jadhav- informant gave information to the police about incident occurred on 28/04/2023. It is claimed by him that he was assaulted by the applicants and that in the said incident he has sustained fracture injury to his right hand.

3. Learned counsel for the applicants submits that in respect of the

said incident immediately report was lodged by the applicant No.2 indicating that in fact the applicant sustained injury in the said incident. According to him the belated report lodged by the informant herein in order to falsely implicate applicants in the crime. It is further submitted that now charge-sheet has been filed and all the alleged weapons are recovered and as such custodial interrogation of the applicant is not necessary.

4. Learned APP opposed the application by citing the statements of witnesses and the injury certificates indicating injuries caused to the informant and witnesses. According to him the informant had sustained grievous injury to the palm of the right hand.

5. Record indicates that some incident has definitely occurred on 28/04/2023. The applicant No.2 has lodged report in respect of the same while admitted in the hospital on 29/04/2023. Present first information report came to be lodged on 11/05/2023. Though it is sought to be claimed by the informant that he was taking treatment however, having regard to the nature of injury sustained to him, there is no justification for non lodging report immediately. Lodging of the report belatedly creates possibility of false/over implication. There is already recovery of the alleged weapons in this crime nothing is to be recovered at the

instance of the applicants. Hence, their custodial interrogation is not necessary.

6. Though the learned APP has pointed out that there are criminal antecedents against applicants, the same is replied by the learned counsel for the applicants stating that the said crime is registered in connection with dispute over the property. Having regard to these facts, liberty of the applicants deserves to be protected. Hence, the application is allowed in terms of interim order dated 20th June, 2023.

(R. M. JOSHI, J.)

ssp