

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1002 OF 2023

Manesh Madhukar Shinde Applicant

Versus

The State of Maharashtra & another Respondents

Mr. A. D. Shinde, Advocate for the applicant.
Mr. S. B. Jadhav, APP for the State.
Mr. S. V. Lohiya, Advocate for the informant.

WITH
ANTICIPATORY BAIL APPLICATION NO. 896 OF 2023

Bhagwan @ Nilesh Sudhakar Shinde & others Applicants

Versus

The State of Maharashtra & another Respondents

Mr. N.D. Sunavane, Advocate for the applicants.
Mr. S. B. Jadhav, APP for the State.
Mr. S. V. Lohiya, Advocate for the informant.

WITH
ANTICIPATORY BAIL APPLICATION NO. 1175 OF 2023

Deepak Madhukar Shinde Applicants

Versus

The State of Maharashtra & another Respondents

Mr. N.D. Sunavane, Advocate for the applicants.
Mr. S. B. Jadhav, APP for the State.
Mr. S. V. Lohiya, Advocate for the informant.

CORAM : R. M. JOSHI, J.

DATE : 1st DECEMBER, 2023.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 0161/2023 registered with Satara Police Station, District Aurangabad for the offences punishable under Sections 326, 323, 504, 506, 141, 143, 147 and 149 of Indian Penal Code.

2. First informant Rajendrasingh reported incident occurred on 15th May, 2023 at around 12.00 noon claiming that on the issue of cutting of trees there was a dispute between him and accused persons. It is alleged that accused abused and assaulted him. There is allegation against co-accused Deepak that he caused assault with stick on his back and neck. Allegation against other accused is that they assaulted informant with fists and kicks blows as well as to the son of the informant.

3. Learned counsel for applicants submits that the incident in question has allegedly occurred on 15th May, 2023 whereas report is lodged on 21st May, 2023. It is submitted that considering the dispute between the parties over land, possibility of false implication

cannot be ruled out. It is also submitted that the son of the informant has lodged NC report on 15th May, 2023 itself without mentioning use of any weapon in the said incident. In the said report allegation was about abuses and assault by accused with fist and kicks blows.

4. Learned counsel for informant submits that police has failed to record report of the son of informant as stated by him. Since such grievance was made on earlier date of hearing, report was called from Commissioner of Police, Aurangabad, wherein also the Commissioner claims that there is no substance in the allegation made by informant against police for not recording report of son of the informant. On merit, learned counsel for the informant submits that there are grievous injuries in the nature of fracture to the spine caused to the informant and considering the allegation against applicants including accused Deepak that he used stick to cause assault, it is not a fit case for grant of anticipatory bail.

5. Learned APP also opposed the application by relying upon the injury certificate and statements of witnesses. It is his submission that since the weapon is used in the crime and it has

resulted into causing of grievous injury, the application deserves to be rejected.

6. First Information Report itself indicates that there are disputes between the parties over land. Apart from this, over the issue of cutting of trees, another dispute arose between the parties. In this matter, it is necessary to consider the period lapsed between the date of alleged incident and lodging of report. Though, it is claimed by learned counsel for the informant that on account of hospitalisation, report could not be lodged however, the son of informant had reported the incident to the police on the date of incident itself. As observed hereinabove, there is no substance in the contention of learned counsel for informant that police has failed to record the report sought to be lodged by son of the informant. The report lodged by the son of informant does not refer use of any weapon by any of the accused persons in the said incident. Apart from this, medical papers indicate that there was internal injury caused to the informant. However, it does not stand to any explanation as to why there is not a single external injury caused to the informant if about five persons have caused assault on him. This creates serious doubt about genuineness of the information. There

are no criminal antecedents against the applicants. They are not likely to flee from justice. In view of this, applications are allowed in terms of the interim order. For the purpose of recovery if any, applicants be treated in custody of police.

(R. M. JOSHI)
Judge

dyb