

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

ANTICIPATORY BAIL APPLICATION NO.1029 OF 2023

1. Navnath Namdev Ahevad,
2. Shubham Navnath Ahevad

VERSUS

The State of Maharashtra
Through Police Station, Khultabad,
Ta. Khultabad, Dist. Aurangabad

Mr. D. M. Bhalke, Advocate for the applicants
Mr. G. O. Wattamwar, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 25th JULY, 2023

P.C. :-

1. By consent of both sides heard finally.
2. The applicants apprehend arrest in connection with Crime No. 221 of 2023 registered with Khultabad Police Station, Tal. Khultabad, Dist. Aurangabad for the offences punishable under Sections 307, 143, 147, 148, 149, 324, 323, 504, 506 of IPC.
3. It is a contention of informant that on 28/05/2023 at around 1.00 pm an incident occurred in which the applicants and co-accused abused and assaulted the informant and others. It is alleged against the applicant Navnath that he instigated Shubham to run over tractor on the informant. Informant further states that fracture was caused to his right shoulder due to running tractor over him.

4. Learned counsel for the applicants states that there are disputes between the parties and previously complaint was lodged by the applicants against them. It is also contended that in respect of the incident occurred on 28/05/2023 report is lodged on the next day and that false implication cannot be ruled out.

5. Learned APP opposed the application by contending that the statement of first informant gets corroborated with the statement of eye witness. According to him if the said witness would not have intervened and stopped the tractor well in time, tractor would have ran over the informant. It is also stated that injury certificate supports the case of the informant about causing of assault to his right shoulder.

6. Learned APP also states that there is another crime registered against applicant Navnath.

7. There is no denial of the fact that there are disputes between the parties and that they did lodge complaint against each other. The incident in question as occurred on 28/05/2023 at around 1 pm whereas the report is lodged on the next day at around 4.49 pm. Perusal of the report shows that there is allegation that due running over the tractor on his right hand fracture was caused to the informant. Perusal of the injury certificate however indicates that there was a simple injury caused to him and it was caused by hand. Thus, the injury certificate does not corroborate the statement of the informant. The statement of witness

falsified the contention of the informant about the fracture caused due to the running over of the tractor. As per the statement of this witness thus before that he stopped the tractor and averted the serious incident. All these facts coupled with the previous enmity between the parties clearly makes out a case of possible of false implication of the applicants. Nothing is recovered from them. Hence the order.

ORDER

(i) Application is allowed

(ii) In the event of arrest of applicants in connection with Crime No. 221/2023, registered with Khultabad Police Station, Tal. Khultabad, Dist. Aurangabad for the offences punishable under Sections 307, 143, 147, 148, 149, 324, 323, 504, 506 of IPC, 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.

(ii) They shall attend the concerned police station once in a week.

(iii) They shall not contact the witnesses directly or indirectly.

(iv) They shall not interfere with the evidence in any manner whatsoever.

(v) They are further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

ssp