

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

**ANTICIPATORY BAIL APPLICATION NO.1047 OF 2023
WITH CRIMINAL APPLICATION NO. 2703/2023**

1. Tulshidas s/o Prabhakar Sanap
2. Vasudeo s/o Tulsidas Sanap

VERSUS

1. The State of Maharashtra
Through Police Inspector,
Amalner, Police Station, Tq. Patoda, Dist. Beed
2. The Superintendent of Police
S.P. Office Beed.

Mr. R. G. Hange, Advocate for the applicant
Mr. V. S. Badakh, APP for the respondent/State
Mr. C. V. Dharurkar, Advocate for the informant

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

P.C. :-

1. Learned counsel Mr. Dharurkar states that he has instructions to appear on behalf of the informant to assist the APP. Having regard to the nature of offence, application is allowed.

2. Applicants apprehend arrest in connection with Crime No. 76 of 2023 registered with Amalner Police Station, Tal. Patoda, Dist. Beed for the offences punishable under Sections 307, 326, 324, 327, 341, 323, 504, 506, 143, 147, 148, 149 of IPC.

3. It is the contention of the informant that an incident occurred on 30/05/2023 at around 5.00 pm wherein the present applicants and co-accused gathered at the spot and caused assault on informant and others. There is specific allegation against co-accused Vishnu for causing assault on the informant, Haridas and Sheshrao with axe. As far as the present applicants are concerned, it is alleged that they used the chilly powder and fist and kick blows to cause assault. It is further alleged that the applicants and co-accused snatched the gold ornaments of the informant and family members.

4. Learned counsel for the applicants states that there is counter FIR in respect of the same incident and this shows that the present first information report could be a possible false implication or over implication. According to him there are no specific allegation against the present applicants of using any weapon for causing assault on the informant and others. It is also contended that the allegation of snatching of the gold ornaments is false.

5. Learned APP and learned counsel for the informant opposed the application by contending that the statement of the informant gets support from the statements of witnesses and injury certificate placed on record. According to them custodial interrogation of the applicants is

necessary.

6. Perusal of the first information report itself indicates that there are disputes between the parties and they have lodged various complaints against each other. The report further indicates in the said incident co-accused Vishnu has caused serious injuries to the informant and other witnesses. There are vague allegations against present applicants. Considering the lodging of counter report as well as in view of the fact that there are disputes between the parties, the over implication of the applicants cannot be ruled out. Having regard to the nature of allegation against present applicants, appropriate directions to them to attend concerned police station for the further investigation if any will be sufficient. Hence application is allowed in terms of interim order dated 4th July, 2023. Applicants are directed to attend concerned police station as and when called by the Investigating Officer. Pending application, if any, stands disposed of.

(R. M. JOSHI, J.)

ssp