

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

ANTICIPATORY BAIL APPLICATION NO.1136 OF 2023
WITH ABA/1132/2023 WITH APPLN/2719/2023 IN
ABA/1132/2023 WITH APPLN/2720/2023 IN ABA/1136/2023

RAM @ RAMBHAU KASHINATH DONGARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. A. D. Ostwal & Mr. P. M.
Salunke

APP for Respondents: Mrs. G. L. Deshpande
Advocate for informant: Mr. S. R. Andhale

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CORAM : R.M. JOSHI, J

DATE : SEPTEMBER 13, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 215 of 2023 registered with Ahmednagar Camp Police Station, Dist. Ahmednagar for the offences punishable under Sections 307 read with Sections 34 of the Indian Penal Code.

2. This FIR is lodged by Gopinath Dongare. He has stated in the report that there are disputes between him and Applicants side. He narrated the incident occurred on 14.04.2023. According to him, at around 11.30 am while construction of shed was going on in the agricultural field, Applicants came to the spot and

objected to the said work. It is stated by him that when he apprised them about the settlement between the parties earlier, Mahadev abused son of the informant and assaulted him by throwing stones at him. His son also assaulted with iron rod. Thereafter, Mahadeo had called his brother Laxman. After he came, both assaulted informant, his wife and son with fist and kick blows and iron rod. Thereafter, the informant, his wife and son started for Ahmednagar Taluka Police Station. It is his further contention that they were proceeding there on two motorcycles. One was driven by informant himself. It is his contention that near Shahapur Shivar his brother Ram came in the swift dzire car and gave forcible dash to his pulsar motorcycle from right side. In the said incident, injury was caused to his right leg. He was taken to the hospital and from then he lodged report.

3. Learned Counsel for the Applicants submits that in respect of the same incident son of the informant had lodged report bearing no. 333/2023 registered with Ahmednagar Taluka Police Station on 15.04.2023. It is his submission that different version

of the incident has been given. According to him, there are disputes between the parties and the false implication is not ruled out. It is his further submission that since son had lodged FIR with Ahmednagar Taluka Police Station and hence, first informant lodged report at different police station in support of earlier report and hence, this is a case of false implication.

4. Learned Counsel for the informant opposed the said submission by stating that in respect of two different incidents two different reports came to be lodged and hence, there is no any report being lodged deliberately by informant with another police station. It is submitted that the incident in which forcible dash was given to the motorcycle of the informant by accused had occurred within the jurisdiction of Ahmednagar Camp Police Station hence, the offence came to be registered with the said police station. According to him, this cannot become ground for grant of anticipatory bail. He also placed photographs of vehicles as well as informant of showing that injuries were caused by him. The said photographs are taken on

record.

5. Learned APP submits that there are statements of witnesses which indicates that the incident of 14.04.2023 at around 11.30 am has occurred as per the say of both informant. It is her further contention that the allegation of the informant of forcible dash being given to the motorcycle is duly supported by the panchnama drawn of the said vehicle driven by the informant dated 01.05.2023.

6. There is no dispute about the fact that the Applicants side and informant have disputes over the property. The same even appears from the FIR. It is known phenomena that the enmity/dispute between the parties not only become reason for commission of crime but it could lead to false/over implication. There is no dispute about the fact that the son of the informant has lodged report in respect of the incident occurred on 14.04.2023 at 11.30 am. In his report to the police he does not make any reference about the presence of his father at the time of occurrence of this incident nor he states that father was assaulted. On the other hand, in respect of the same incident informant claims

that he also has been assaulted in the said incident. As compared to these statements, wife of informant given third and altogether different version of the said incident. She does not claim any assault being caused on her son. This Court, therefore, finds absolute substance in the contention of Counsel for the Applicant that owing to the disputes between the parties, this could be a case of false implication.

7. Once there is material to indicate that this could be case of false implication, Court has to be on guard while accepting the allegations made against the Applicants. It is alleged that forceful dash was given to informant's motorcycle by four wheeler. It is necessary to note that this Court could not have come to know exact damage caused to motorcycle by dash, on the basis of panchnama filed on record, however, informant has placed on record the photographs of the motorcycle and a bare perusal of the same clearly shows that there is no substance in said allegation. If any forcible dash is given to any running motorcycle by four wheeler, there would be extensive damage caused to the motorcycle. Herein this case, Court was finding it

difficult even to locate the damaged portion of motorcycle. Thus, it is possible that taking advantage of injuries caused to the informant while ridding motorcycle, a story could be created by him.

8. In such circumstances, there is every reason to accept the contention of Counsel for Applicants that this could be a case of false implication. Hence, ABA/1132/2023 & ABA/1136/2023 are allowed. Pending applications are disposed of. Hence, the order:

O R D E R

- (i) In the event of arrest the Applicants in both Applications in connection with with C.R. No. 215 of 2023 registered with Ahmednagar Camp Police Station, Dist. Ahmednagar for the offences punishable under Sections 307 read with Sections 34 of the Indian Penal Code, they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one surety in the like amount.
- (iii) They shall attend the concerned police station as and when required.
- (iv) They shall not contact the witnesses directly or indirectly.
- (v) They shall not interfere with the evidence in any manner whatsoever.
- (vi) They are further directed to cooperate the

investigating agency for further
investigation.

(R.M. JOSHI, J.)

Malani