

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

ANTICIPATORY BAIL APPLICATION NO.1181 OF 2023

RAMCHANDRA MANIK KADAM

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. V. B. Dhage

APP for Respondents: Mr. S. P. Sonpawale

Advocate for informant: Mr. M. G. Kochar (appointed)

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CORAM : R.M. JOSHI, J

DATE : NOVEMBER 07, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 62 of 2023 registered with Osmannagar Police Station, Dist. Nanded for the offences punishable under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. First informant Pratap Shinde reported the incident occurred on 23.04.2023 at about 10.30 am wherein he and his father was assaulted by the Applicant and co-accused. There is allegation against this Applicant that he assaulted father of the informant with piece of brick on his back and stomach.

3. Learned Counsel for the Applicant submits that

there are disputes between the parties which is apparent from the FIR itself and as such, the possibility of over implication is not ruled out. He further submits that even if the allegations in the report are accepted to be true, the offence under Section 307 of IPC is not made out against present Applicant.

4. Learned APP and learned Counsel for the informant opposed the application by contending that the father of the informant was required to be hospitalized pursuant to the grievous injury caused to his head. Thus, according to them, it is not a fit case for grant of anticipatory bail.

5. First information report itself indicates that there are disputes between the parties over the property and the said dispute is pending before the CJJD, Kandhar. Thus, there is reason to accept contention of learned Counsel for the Applicant that owing to the previous enmity, the possibility of over implication cannot be ruled out. Though it is alleged against present Applicant is that with the piece of brick he has assaulted on the father of the informant

on his back, but injury certificate indicates one injury caused to injured on parital region and the same is not attributable to the Applicant. There are no criminal antecedents against Applicant.

6. In view of above, Application is allowed by confirming interim order dated 21st July, 2023.

7. Fees of Mr. M. G. Kochar, learned appointed Counsel, is quantified @ Rs. 6,000/- (Rupees Six Thousand Only) to be paid by High Court Legal Services Sub-Committee, Aurangabad.

(R. M. JOSHI, J.)

Malani