

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1286 OF 2023

Dhananjay s/o Mahrudra Swami

Applicant

Versus

The State of Maharashtra

Respondent

Mr. A. M. Reddy, Advocate for the applicant.

Mr. S. P. Sonpawale, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 9th OCTOBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0355/2023 registered with Udgir Rural Police Station, Tq. Udgir, Dist. Latur for the offence punishable under Sections 327, 452, 324, 323, 504, 506 read with Section 34 of Indian Penal Code.

2. First informant Jyoti reported the incident occurred on 7th June, 2023 at around 6.15 am stating that the applicant entered the house of the informant and abused her over the issue of not permitting them to widen the road in front of her house. It is alleged that the informant was assaulted with stick, fists and kicks blows.

There is also allegation that present applicant has snatched her gold chain.

3. Learned counsel for applicant submits that there are disputes between the parties over the issue of widening of the road and as such the possibility of false implication cannot be ruled out. It is submitted that there is already recovery of stick at the instance of co-accused and as such nothing is to be recovered from the present applicant. He claims that there are no criminal antecedents against the applicant.

4. Learned APP though opposed the applicant however, was not able to show any injury being caused to the informant. It is submitted that from the statements of witnesses as well as from the First Information Report, offence is made out against the applicant and for the purpose of recovery of gold chain, custodial interrogation of the applicant is necessary.

5. Perusal of First Information Report indicates that there are disputes between the parties on the issue of widening of the road in front of the house of the informant. Though the informant has

alleged that she was assaulted with stick, there is no evidence of any external injury caused to her. It is difficult to accept that if the informant was assaulted by stick and fist and kicks blows, no visible injury is caused to her. Considering the previous dispute between the parties, possibility of false/over implication cannot be ruled out. There are no criminal antecedents against the applicant. As such, this Court has reason to accept the contention of learned counsel for the applicant that the allegation of snatching of chain has been made only to falsely implicate the applicant in this crime. Having regard to these facts, liberty of the applicant deserves to be protected. For the purpose of recovery, if any, applicant be treated in the custody of police. Application stands allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb