

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

ANTICIPATORY BAIL APPLICATION NO.1328 OF 2023

KRUSHNA ASARAM DHUPE
VERSUS
THE STATE OF MAHARASHTRA

Mr. S. B. Rajebhosale, Advocate for the applicant
Mr. S. P. Sonpawale, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 8th NOVEMBER , 2023

P.C. :-

1. Applicant apprehends arrest in connection with Crime No. 516/2023 registered with Ambad Police Station, District Jalna for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149, 504, 506 of IPC.

2. The first information report records incident dated 05/07/2023. There are allegations against the co-accused of causing of actual assault with the weapons whereas it is alleged against the present applicant that he was holding a sickle in his hand but assaulted with fist and kick fist blows.

3. Learned counsel for the applicant submits that there are disputes between the parties and counter reports are lodged in respect of the said

incident. Thus, according to him, the possibility of over implication is not ruled out.

4. Learned APP opposed the application.

5. Perusal of the first information report itself shows that there is no allegation against the present applicant of using any weapon in order to cause assault. Pertinently he is said to have held a sickle in his hand, however, he does not cause assault with the weapon and causes assault with fist and kick blows. Thus, this Court finds substance in the contention of the learned counsel for the applicant that this could be a case of over implication of the applicant in this crime. Investigating papers show that the sickle is already seized, hence his custody is not required. Application is allowed in terms of interim order dated 10th August, 2023.

6. Learned counsel for the applicant states that by order dated 10th August, 2023 applicant is attending concerned police station once in a week. Considering the period for which he has attended the concerned police station, the said condition stands cancelled.

(R. M. JOSHI, J.)

ssp