

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

ANTICIPATORY BAIL APPLICATION NO.1398 OF 2023  
WITH APPLN/3104/2023 IN ABA/1398/2023

PRABHAKAR RAMBHAU NANGARE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. N. B. Narwade, Advocate for the applicant  
Mr. M. K. Goyanka, APP for the respondent/State  
Mr. A. S. Madake, Advocate for the informant

AND

932 ANTICIPATORY BAIL APPLICATION NO.1705 OF 2023  
WITH ABA/1528/2023

DHANANJAY CHANDRAKANT NANGARE AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

Ms. Pradnya Talekar, Advocate h/f Talekar and Associates for the  
applicant in ABA No. 1705/2023  
Mr. S. R. Zambare, Advocate for the applicants in ABA No. 15/28/2023  
Mr. N. B. Patil, APP for the respondent/State  
Mr. N. B. Narwade, Advocate for the informant

**CORAM : R. M. JOSHI, J.**

**DATE : 30<sup>th</sup> NOVEMBER , 2023**

**P.C. :-**

1. Applicants apprehend arrest in connection with a counter report bearing No. 643/2023 and 752/2023 (counter complaints in respect of same incident) registered with Parner Police Station, Dist. Ahmednagar

2. There is no dispute about the fact that the incident had occurred on 12/07/2023 at around 2.00 pm in which both sides claim being assaulted therein.
3. Learned counsel for the applicant in ABA No. 1398/2023 submits that there are disputes between the parties and owing to the said disputes the possibility of over implication is not ruled out. It is submitted that the allegation against the applicant of he using sickle is not supported by evidence on record. According to him even otherwise the said alleged sickle claim to have been used by this applicant is already recovered and as such custodial interrogation of this applicant is not necessary.
4. Learned counsel for the applicants in ABA No. 1705/2023 states that there is inordinate delay in lodging of the report and the report lodged by the informant Aarati does not get corroboration from the injury certificates placed on record. It is submitted that apparently this is a case of exaggeration/over implication.
5. Learned counsel for the applicants in ABA No. 1528/2023 submits that there is no allegation against applicant No.2 of using any weapon in the said assault. According to him though it is alleged against applicant Sahadev that he used iron rod to cause assault on the head of the husband of Aarati, no serious/grievous injury is caused to him.

6. Learned APP appearing these applications opposed grant of anticipatory bail on the ground that there are specific allegations against the accused of committing overtact in the incident of assault. A reference is made to the investigation papers and in particular the injury certificate which indicate that Aarati sustained grievous injury. So also the other injured had sustained injuries to the head as well as to the palm. It is submitted that considering the dispute between the parties and having regard to the weapons used in the crime, this is not a case for grant of anticipatory bail.

7. Undisputedly parties are at loggerhead which can be ascertained from the documents placed on record. Even otherwise in the first information report itself it is mentioned about the same by both sides. Needless to say that the disputes between the parties may give rise for the commission of crime as well as it may led to false/over implication.

8. Considering the facts brought before this Court it can certainty be said that some incident has definitely occurred on 12/07/2023. It appears to be a free fight between two groups. In such circumstances it is difficult to attribute specific role or intention of causing of any particular injury to each other. Here in this case persons from both sides sustained injuries. Informant Aarati had sustained fracture injury to her hand whereas the Chandrakant and Dhananjay, who are members of

other group had sustained injury to their hand and palm respectively. All these facts strengthen the theory of free fight, in such circumstances it is difficult to prima facie hold that the injuries caused by them to each other are intentional, aiming particular part of body. As pointed out by the learned counsel for the applicant in ABA No. 1398/20223 the sickle allegedly used by applicant Prabhakar has already been seized by the Investigating Agency, nothing is to be recovered at his instance.

9. As far as applicant Sahadev is concerned, the allegation against him is of causing of injury on the head of husband of Aarati does not get support from the investigation papers. There is nothing to indicate that applicant No.2-Ashwini has caused any assault with any weapon. As far as applicant Dhananjay is concerned, the allegation against him is also does not get corroborated by the injury certificate on record. Thus, at this stage it can be safely said that this could be case of over implication owing to previous disputes. In view of this, it is fit case for grant of bail. Hence applications are allowed in terms of interim order. Pending application, if any, stands disposed of.

**(R. M. JOSHI, J.)**

ssp