



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1465 OF 2023

Raosaheb Annasaheb Dhupe And Others

....Applicants

VERSUS

The State Of Maharashtra

....Respondent

...

Mr. A. V. Bagal, Advocate for the Applicants.

Mr. S. B. Jadhav, APP, for the Respondent – State.

...

CORAM : R.M. JOSHI, J

DATE : DECEMBER 08, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 515 of 2023 registered with Ambad Police Station, Dist. Jalna for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

2. First informant Satish reported incident occurred on 05.07.2023 at about 11 – 11.30 am. It is his contention that accused persons attempted to administer poisonous substance to the father of the informant and thereafter the informant and others were assaulted with weapons.

3. Learned Counsel for the Applicants submits that in respect of the same incident report has been lodged by the Vilas. According to him, there are disputes between the parties over the property and there is apparent false implication of the Applicants in this crime.

4. Learned APP opposed the application by citing injury certificates indicating causing injuries to six persons. It is his contention that one of the injured has sustained grievous injury and hence, it is not a fit case to grant anticipatory bail.

5. First information report itself indicates about the dispute between the parties over property. There is allegation against co-accused that he tried to administer poison to the father of the informant. There is observation of the learned Additional Sessions Judge to indicate that it is not the case of administration of poison which shows that there exists possibility of false implication. In this backdrop, if the allegation against Applicant No. 1 is considered, who alleged to have assaulted informant over his back, the said allegation does not get support from the injury

certificate on record. Offence against other Applicants *prima facie* does not travel beyond offence under Section 324 of IPC.

6. Considering counter report lodged by the Applicants' side it appears to be a case of fight between two groups. Causing of the injuries to these persons in the said incident is not ruled out. In absence of any *prima facie* material against Applicants showing their involvement in the crime for the offence under Section 307 of IPC, it is a fit case to protect their liberty. Applicants have no criminal history against them. Hence, application stands allowed by confirming order dated 04th September, 2023.

(R. M. JOSHI, J.)

Malani