

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

ANTICIPATORY BAIL APPLICATION NO.1631 OF 2023

MANOJ RAMESH PISE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. C. B. Chaudhari
APP for Respondents: Mr. V. S. Badakh

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CORAM : R.M. JOSHI, J
DATE : OCTOBER 30, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 202 of 2023 registered with Dhule City Police Station, Dist. Dhule for the offences punishable under Sections 307, 395, 326, 452, 143, 147, 148, 149, 427, 323, 504, 506 of the Indian Penal Code and Sections 3/25 of the Arms Act.

2. Informant reported incident occurred on 16.05.2023 wherein co-accused assaulted brother of the informant with sword. Allegation is against another co-accused that he caused assault on the informant with knife. As far as present Applicant is concerned, it is stated that he along with others assaulted them with wooden sticks.

3. Learned Counsel for the Applicant submits that there are disputes between the parties and owing to the same, false/over implication is not ruled out. It is submitted that though allegation was made against present Applicant that he snatched mangalsutra of mother of informant, however, later offence punishable under Section 395 IPC is dropped. It is thus, his contention that liberty of the Applicant deserves to be protected. He further claims that criminal history of the Applicant is clean.

4. Learned APP opposed the application by drawing attention of the Court to the statement of one of the witness who has mentioned presence of Applicant at the spot. He also relied upon the injury certificate indicating causing of grievous injury to Akash.

5. FIR itself clearly shows that there are disputes between the parties over the property. There are specific allegations against co-accused of using sword and knife in order to cause assault on informant and Akash. Injury certificate though indicate that Akash sustained grievous injury, however, the same

cannot be attributed to the present Applicant. On the face of it, allegation against present Applicant that he snatched mangalsutra of the mother of the informant is falsified with police dropping the offence punishable under Section 395 IPC. Thus, in facts of the case, false implication of the Applicant is not ruled out.

6. Having regard to these facts, application is allowed by confirming interim order dated 13th October, 2023.

(R.M. JOSHI, J.)

Malani