

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

ANTICIPATORY BAIL APPLICATION NO.1688 OF 2023

Mohan Sahebrao Jadhav

...Applicant

Versus

The State Of Maharashtra

...Respondent

Mr. P.B. Shirsath, Advocate for the applicant.

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

...

CORAM : R.M. JOSHI, J

DATE : 3rd NOVEMBER, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 803/2023 registered with Shrigonda Police Station, Dist. Ahmednagar for the offences punishable under Sections 326, 324, 323, 504, 506 read with 34 of the Indian Penal Code.

2. First informant Sachin reported to the police that there are disputes between him and present applicant over the ancestral land. It is further stated that on 14.09.2023, he was assaulted by the applicant and co-accused. There is specific allegation against co-accused that he with wooden stick assaulted him, his hand got fractured.

3. Learned counsel for the applicant submits that there are disputes between the parties and owing to the same possibility of over implication cannot be ruled out. It is submitted that there is no

allegation against the present applicant of causing any injury with wooden stick to the informant. Hence, according to him, offence under section 326 does not get attract against him.

4. Learned APP opposed the application by referring to the injury certificate which indicates the cause of grievous injury to the hand of the informant.

5. FIR itself indicates that there are disputes between the parties over the ancestral land. Needless to say that pre-existing disputes between the parties creates possibility of occurrence of the crime as well as possibility false implication is also not ruled out in such cases. There is no allegation against the present applicant about he is responsible for the grievous injury. This Court finds substance in the contention of the applicant that this can be the case of false/over implication of the present applicant. Nothing is to be recovered at the instance of the applicant. Application is therefore allowed in terms of the interim order 11.10.2023.

[R.M. JOSHI, J.]