

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

ANTICIPATORY BAIL APPLICATION NO.1790 OF 2023

MAHENDRA VINAYAK SHELKE
VERSUS
THE STATE OF MAHARASHTRA

Mr. S. P. Rathod, Advocate for the applicant
Mr. M. K. Goyanka, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 30th NOVEMBER , 2023

P.C. :-

1. Applicant apprehends arrest in connection with Crime No. 952/2023 registered with Newasa Police Station, Dist. Ahmednagar for the offence punishable under Section 307 r/w 34 of IPC.

2. The informant Appasaheb Shelke is the paternal uncle of applicant. It is claimed by him that there are disputes between them over the agricultural property. It is the case of the informant that on 26/09/2023 at around 4.00 pm when he went to the farm house, present applicant came in his Jeep and gave forceful dash to the motorcycle of the informant and thereby he tried to kill him. It is further claimed that since the applicant find presence of another person, he fled away from the spot after giving a threat to the informant.

3. Learned counsel for the applicant submits that there are disputes between the parties and owing to the same this is case of false

implication. It is also submitted that in fact the informant had sustained simple injury in the incident of his motorcycle.

4. Learned APP opposed the application by referring to the statement of informant as well as statement of witness Vijay in order to complaint that this is case wherein an attempt was made to kill the informant by the applicant by running over him by the jeep.

5. First information report itself indicate that there are disputes between the parties over the agricultural land. There is recovery of Jeep of the applicant which does not show causing of any damage to the same. Thus, prima facie creates doubt about the occurrence of the incident as claimed by the informant in the first information report. Merely because certain injuries caused to the informant, which are in fact simple in nature, it cannot be presumed that it is a case of an attempt to commit murder. Learned counsel for the applicant states that there are no criminal antecedents against the applicant. There is nothing on record to hold contrary. Hence the application is allowed in term of interim order dated 30th October, 2023.

(R. M. JOSHI, J.)

ssp