



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1849 OF 2023

Arun Laxman Giri

...Applicant

VERSUS

The State Of Maharashtra

...Respondent

...

Mr. R. J. Nirmal, Advocate for Applicant

Mr. M. K. Goyanka, Addl PP for Respondents

...

CORAM : R.M. JOSHI, J

DATE : DECEMBER 20, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 202/2023 registered with Bori Police Station, Dist. Parbhani for the offences punishable under Sections 307, 324, 323, 504 read with Section 34 of the Indian Penal Code.

2. Bhikaji reported incident occurred on 10.10.2023 at about 03.30 pm. According to him, Applicant and co-accused assaulted him. In the said incident, there is allegation against Applicant and co-accused Vishnu that they assaulted informant with stick.

3. Learned Counsel for the Applicant submits that there are disputes between the parties over the property and hence, the possibility of false implication is not ruled out. According to him, the incident has occurred on 10.10.2023 whereas report is lodged belatedly on 13.10.2023. He drew attention of the Court to the order passed by Additional Sessions Judge granting regular bail to co-accused Vishnu observing that one injury is caused to the informant is not attributable to the assault with stick. It is also contended that injuries are simple in nature and having regard to the dispute between the parties, it is a case of over implication.

4. Learned APP opposed the application by relying upon the statements to the informant, witnesses and injury certificates.

5. There is document placed on record to indicate that the parties are at loggerhead over the dispute with regard to the property. Needless to say that possibility of over implication/false implication always exists in view of the previous enmity between the parties. Incident in question has occurred on

10.10.2023 whereas report is lodged on 13.10.2023. Hence, delay in lodging of the report creates possibility of over implication. Perusal of the injury certificates shows that no grievous injury is caused to the informant. In fact two injuries caused to him are not attributable to the present Applicant.

6. Having regard to these facts liberty of the Applicant is protected. Hence, application is allowed by confirming interim order dated 10th November, 2023.

(R. M. JOSHI, J.)

Malani