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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 401 OF 2023

1. Rahul Ankush Kale
2. Rohan A. Kale ...Applicants
V/s.
State ...Respondent.
(Walchandnagar Police Station)

Mr. R. B. Chavan for the Applicant.
Mr. P.H. Gaikwad - Patil , APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 09.02.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicants are apprehending their arrest in Crime No.558 of 2022 registered at Walchandnagar Police Station, Pune Rural for the offences punishable under Sections 307, 323, 504 and 506 read with 34 of the Indian Penal Code.
3. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State and perused the FIR.
4. The complainant and the applicants appear to be owners of adjoining agricultural fields. There was a boundary dispute between them. According to the prosecution, on account of the said dispute, on 11 December 2022, the present applicants

assaulted the complainant by some sharp weapons and attempted to kill him.

5. The learned counsel for the applicants submits that on the date of alleged incident, initial dispute arose between the aunt of the applicants who is the accused No.3 in the present crime and the complainant. It is submitted that when the applicants learnt about the said dispute they came to the place of incident and saw that the complainant and his family members were assaulting to their aunt. It is submitted that when the applicants tried to save their aunt from assault, scuffle took place between the complainant and the applicants. It is submitted that there is a cross-FIR in that respect. It is submitted considering the facts and circumstances of the case, the applicants be released on anticipatory bail.

6. The applicants have, however, not produced on record the injury certificate in relation to alleged assault on their aunt. On the contrary from the injury certificate of the complainant, he appears to have sustained C.L.Ws. over frontal nasal region and over-parietal bone. The complainant further appears to have sustained fracture of left nasal bone. Considering the nature of injuries, I am not inclined to release the applicants on anticipatory bail. Hence, the Anticipatory Bail Application is rejected.

[N.R.BORKAR, J.]