



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**ANTICIPATORY BAIL APPLICATION NO. 32 OF 2024
WITH
CRIMINAL APPLICATION NO. 523 OF 2024**

1. Arun s/o. Namdeo Koli,
Age : 64 years, Occu. : Agriculture,
 2. Khushal s/o. Arun Sonawane,
Age : 24 years, Occu. : Education,
Both R/o. Koli Wada, Rath Chowk,
Pimprela, Tal and Dist. Jalgaon
- ... Applicants.

Versus

1. The State of Maharashtra,
Through Police Station Officer,
Ramanand - Nagar Police Station,
Taluka and District : Jalgaon
 2. The Superintendent of Police,
Jalgaon, District Jalgaon
- ... Respondents.

...
Mr. Sanket N. Suryawanshi, Advocate for Applicants
Mr. N. D. Batule, APP for Respondents
Mr. Mangesh G. Patil, Advocate for Applicant (Assist. to APP) in
APPLN/523/2024
...

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 31st JANUARY 2024

PRONOUNCED ON : 05th FEBRUARY 2024

ORDER :

1. Apprehending arrest in crime bearing No.0320 of 2023 registered with Ramanand Police Station, District Jalgaon for offence punishable under sections 143, 149, 323, 326, 504 and 506 read with section 34 of Indian Penal Code (IPC), applicants have preferred instant anticipatory bail application.

2. Learned counsel for applicants would point out that, apparently there is false implication. The alleged incident is fall out of a civil dispute. As regards to present applicants are concerned, they are roped in on mere allegation of giving kicks and fist blows. It is pointed out that, in fact only present applicant no.1 is named. He took this court through the FIR and pointed out that, after naming accused no.1 Jitendra and present applicant no.1, who is 64 years of age, there are accusation of being beaten by unknown persons. Thus he submits that, FIR does not carry name of applicant no.2, however, he too is tried to be involved on the basis of supplementary statement. Learned counsel submitted that, allegations of use of article is against accused Jitendra. Resultantly, he submits that, considering the age of applicant no.1, role attributed to him and applicant no.2 not being named in FIR, and moreover, when they both are ready to co-operate, he prays to grant relief as regards to both applicants.

3. Above application is opposed by both learned APP as well as learned counsel representing complainant. They unanimously opposed on the ground that, accused party approached victim and mounted assault. There is use of iron rod and same is yet to be recovered. Accused persons are absconding. Investigation being in progress, they both pray to reject the application.

4. After considering the above submissions and on going through the FIR dated 01.10.2023, complainant set law into motion, alleging that, on 30.09.2023 around 7:00 p.m., when slab work of house was in progress, Jitendra Koli and present applicants his father and his younger brother accompanied by two unknown persons visited the house and questioned the said construction activity. There are allegation that original accused no.1 Jitendra, who was carrying iron rod, gave blow on the head, knees and hands of complainant. Said Jitendra also hit son of complainant namely Yash on the head as well as legs. As regards to present applicants are concerned, it is alleged that, father and younger brother of Jitendra along with unknown persons abused, threatened and gave fist and kicks blows.

5. Learned APP has placed on record papers of investigation carried out till date. Statement of complainant seems to be recorded while she was being treated. It is revealed that, spot panchanama is already drawn. Statements and supplementary statements of some witnesses are also shown to be recorded. Injury certificates of complainant and her son also seem to have gathered. Discharge cards shows that, victims are discharged on 06.10.2023 and 03.10.2023.

6. Apparently, incident seems to be in the backdrop of some civil dispute regarding which litigation is pending. As regards to present applicant no.1 is concerned, role attributed to him is of giving kicks and fist blows. Name of applicant no.2 Khushal does not find place in the FIR. This court had by order dated 05.01.2024 granted ad-interim relief. Today, there is no adverse remark from prosecution regarding non co-operation. Therefore, considering the nature of offence, nature of allegations, role of applicants, interim relief granted by this court on 05.01.2024 deserves to be confirmed. Hence the following order :-

ORDER

- (i) Anticipatory Bail Application stands allowed.
- (ii) Interim protection granted to the applicants by this court by order dated 05.01.2024 stands confirmed.
- (iii) Criminal Application No.523 of 2024 is also disposed of.

(ABHAY S. WAGHWASE, J.)