



IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

935 ANTICIPATORY BAIL APPLICATION NO. 230 OF 2024

Ananda Kaduji Korde & others .....Applicants

VERSUS

The State of Maharashtra & another .....Respondents

.....  
Mr. D. M. Shinde, Advocate for Applicants.  
Mrs. D. S. Jape, APP for the State.

WITH  
ANTICIPATORY BAIL APPLICATION NO. 14 OF 2024

Shriram Dhanaji Korde & another ..... Applicants

VERSUS

The State of Maharashtra & another .....Respondents

.....  
Mr. M. K. Jadhav, Advocate for Applicants.  
Mrs. D. S. Jape, APP for the State.

WITH  
ANTICIPATORY BAIL APPLICATION NO. 97 OF 2024

Dnyaneshwar Tulshiram Korde & others ..... Applicants

VERSUS

The State of Maharashtra & another .....Respondents

.....  
Mr. D. M. Shinde, Advocate for Applicants.  
Mrs. D. S. Jape, APP for the State.

**CORAM : R. M. JOSHI, J.**

**DATE : 3<sup>rd</sup> OCTOBER, 2024.**

PER COURT :

1. After hearing learned counsel for both sides, when this Court expressed disinclination to grant relief to Applicant No. 2 Rameshwar s/o Limbaji Korde in Anticipatory Bail Application No. 230/2024, learned counsel for Applicants, on instructions, seeks leave to withdraw the application to the extent of Applicant Rameshwar s/o Limbaji Korde.

2. Leave granted. Application stands dismissed to the extent of Applicant Rameshwar s/o Limbaji Korde as withdrawn.

3. Applicants are apprehending arrest in connection with Crime No. 0642/2023 registered with Hingoli Rural Police Station, District Hingoli for the offences punishable under Sections 143, 147, 148, 149, 324, 325, 307, 427, 323, 504, 506 of the Indian Penal Code.

4. First Information Report lodged by Kundalika Korde indicates that there are disputes between the parties with regard to the agricultural land. On 26.11.2023, the incident in question

occurred wherein cremation of Kaduji Korde was opposed by the informant and others, as Applicants insisted for conducting cremation in the land belonging to the informant. There is allegation with regard to the use of force by the Applicants and co-accused. According to the informant, some of the accused were holding sticks in their hands and assault was caused on the informant, her son and three other injured witnesses. On the basis of these allegations, offence came to be registered against the Applicants and co-accused.

5. Learned counsel for Applicants submit that owing to the dispute between the parties, possibility of false/over implication cannot be ruled out. It is submitted that the allegations are against co-accused Govind and Arjun who are already arrested and released on regular bail. It is submitted that from the record it cannot be inferred that there was any conspiracy between all the accused and considering the fact that persons from both sides were present for the cremation, it cannot be said that there was unlawful assembly.

6. Learned APP and learned counsel for the informant opposed the said submission by relying upon the contents of First Information Report as well as the statements recorded during the

course of investigation. Attention of the Court is drawn to the injury certificates indicating injuries caused to the informant and others. By referring to the transcript of video recording, it is submitted that the accused had been to the spot with sticks in their hands and the injuries caused to the informant and her son are grievous in nature. Hence, according to them, this is not a fit case for grant of pre-arrest bail.

7. Perusal of the First Information Report as well as statements of witnesses indicate that there are disputes between the parties in respect of the agricultural land. The possibility of over implication therefore is not ruled out. There is no denial of the fact that on 26.11.2023, cremation of deceased Kaduji was in progress. Presence of both sides, therefore, is natural, they being the close relatives of each other. Question arises before this Court as to whether any specific role is attributed against the present Applicants which has resulted into causing of grievous injuries to the informant and her son. From the statements of informant as well as her son, said injuries cannot be attributed to the present Applicants. As far as Applicants are concerned, neither they were holding any weapon with them including any stick nor the video recording indicates any

overt act on their part. Nothing is to be recovered from them. They are not likely to flee from justice.

8. Having regard to the aforestated facts, there is no reason or justification for rejecting their application. Hence, applications are allowed in terms of the interim order.

**( R. M. JOSHI )**  
**Judge**

dyb