



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 635 OF 2024

Vaijinath Banshi Misal

VERSUS

The State Of Maharashtra And Another

- Mr. S. S. Thombre, Advocate for the Applicant
- Mr. S. B. Narwade, APP for the Respondent/State
- Mr. S. E. Shekade, Advocate for the Informant

CORAM : R.M. JOSHI, J

DATE : SEPTEMBER 30, 2024

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 48/2024 registered with Beed Rural Police Station, Dist. Beed for the offences punishable under Sections 307, 326, 324, 341, 506, 34 of the Indian Penal Code & Sections 4 and 25 of the Arms Act.

2. First informant Santosh informs to the police an incident occurred on 16.02.2024, which according to him had occurred at about 09.00 am. It is his submission that two unknown persons came and obstructed his motorcycle and caused assault on him with iron rod. While causing the said assault, they named present Applicant to be the one who sent them for causing said

assault. Thus, it is alleged that the Applicant has hatched criminal conspiracy to cause assault on him.

3. Learned Counsel for the Applicant submits that as per the FIR itself there are disputes between the parties and as such, the possibility of false implication is not ruled out. It is his submission that it is absurd that the assailants would disclose the name of the Applicant who sent them to cause assault on the informant.

4. Learned APP and learned Counsel for informant opposed the application.

5. Perusal of the police papers indicates that except for the statement of the informant and his close relatives, no other statement is recorded by the investigating officer including the persons around the spot of the incident. Pertinently, the incident has occurred on 14.02.2024 whereas the report is lodged on 16.02.2024. Thus, there is delay of 2 days, which is sufficient to accept the contention of the learned Counsel for the Applicant that this could be a case of

false implication of the Applicant. Needless to say that previous dispute between the parties may prompt for commission of the offence as well as may lead to filing of false FIR. Admittedly, Applicant was not present at the spot and no material is collected by the investigating officer to connect him with the crime in question. Hence, it is a fit case to protect liberty of the Applicant.

6. In view of above, application stands allowed by confirming interim order dated 19.04.2024.

7. Needless to say that observations made herein above are for the purpose of deciding this application and Trial Court not to get influenced by the same.

(R.M. JOSHI, J.)