



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 712 OF 2024

Mauli @ Dyneshwar Parmeshwar Khose

VERSUS

The State Of Maharashtra And Another

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Mr. Parth Surendra Salunke, Advocate for Applicant

Mr. B. A. Shinde, APP for Respondents

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CORAM : R.M. JOSHI, J

DATE : JULY 25, 2024

PER COURT :

1. Liberty to file copy of charge-sheet on record.

2. Applicant apprehends arrest in connection with Crime No. 57 of 2024 registered with Chaklamba Police Station, Dist. Beed for offences punishable under Sections 307, 323, 427, 452 and 34 of the Indian Penal Code.

3. First informant Pralhad has reported to the police about the incident occurred on 22.02.2024 at around 12.00 noon. It is his contention that at the time of occurrence of incident Applicant along with co-accused were causing damage to the motor starter. When

they questioned them about the same, it was told by them to pay money toward pipeline and motor first. Thereafter, at around 03.00-03.30 pm Applicant and his brothers came to the residence of informant and assaulted him with stick and iron rod. It is alleged that co-accused Rameshwar caught hold his hands and Applicant has forced poisonous substance into his mouth. It is further stated that at that time his mother and daughter came to the spot and they saved him. He was taken to the Primary Health Centre, Chaklamba and thereafter to Government Hospital, Beed.

4. Learned Counsel for the Applicant submits that co-accused against whom similar role is attributed, is granted anticipatory bail by the learned Sessions Court. It is his submission that there is inordinate delay in lodging of the FIR and considering the dispute between the parties, false implication of the Applicant is not ruled out. He further submits that charge-sheet is already filed and nothing is to be recovered at the instance of Applicant.

5. Learned APP opposed the application by

pointing out investigation paper indicating injuries caused to the informant. It is his submission that there is medical history recorded of poison while informant was admitted in the hospital.

6. First information report itself shows that there are dispute between the parties in respect of pipeline and motor. It is known phenomenon that previous dispute becomes a ground for committing offence so also it can be a reason for false implication. Incident in question has occurred on 24.02.2024 and the report is lodged on 03.03.2024. As per the case of the prosecution, this incident has witnessed by close relatives of informant. However, no attempts seems to have been made to lodge report with police immediately. Though police papers indicate that simple injuries are caused to the informant, there is nothing on record to show that the informant was treated for poison.

7. Having regard to the aforestated facts, the possibility of false implication exists. Applicant is aged about 19 years with no criminal history. It is a

fit case to confirm the interim relief. Hence,
application is allowed by confirming interim order
dated 15th May, 2024.

(R. M. JOSHI, J.)

Malani