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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

936 ANTICIPATORY BAIL APPLICATION NO. 754 OF 2024

1. Dilip Ananda Kusalkar
 2. Ganesh Dilip Kusalkar
- ...Applicants

VERSUS

The State of Maharashtra & another

...Respondents

....

Mr S. B. Kadu, Advocate for Applicants
Mrs M. L. Sangit, A.P.P. for Respondents/State

CORAM : R. M. JOSHI, J.

DATE : 11th October, 2024

PER COURT :-

1. Applicants apprehend arrest in connection with Crime No.0162 of 2024, registered with Shirdi Police Station, Dist. Ahmednagar, for the offences punishable under Sections 323, 326, 504, 506 read with Section 34 of the Indian Penal Code.

2. First informant, injured Pradeep Maruti Gunjal reported that the incident is occurred on 07/03/2024 about 6:00 p.m. It is alleged by him that, he went to Hotel Anusaya. At that time, he was assaulted by applicants and co-accused. It is

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allegation against co-accused Sainath that he assaulted with rod on head of the informant. It is alleged that applicant No.1/Dilip caused injury on his ribs with stone and applicant No.2/Ganesh assaulted him on back of his head by wooden stick.

3. Learned counsel for applicants submits that, it is mentioned in the first information report that there are disputes between informant and accused. It is his submission that, due said disputes, possibility of applicants being falsely implicated in the crime is not ruled out. It is his further submission that, there is no allegation against present applicants for grievous injury to the informant and as such provision of Section 326 of the Indian penal Code could not get attracted against present applicants.

4. Learned APP opposed the application by referring to the statements of the witnesses as well as injury certificate. It is her submission that all accused in the crime together to crime scene with common intention to cause assault on the informant. As such, according to her, this is not fit case for granting pre-arrest bail to these applicants.

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5. Undeniably, there are disputes between the parties over property. Existence of disputes not only become reason for commission of crime but can be cause for over or false implication too. As far as first information report is concerned, there are allegations against co-accused that he has used iron rod for causing assault on head of informant. The said allegation gets support from the injury certificate. However, there is no injury back of his head, which is alleged to have been caused by applicant No.2. Insofar as applicant No.1 is concerned, allegation against him is that he caused injury to the informant with stone on his ribs. Thus, there is no recovery to be done from present applicants. Their liberty was protected by this Court by an interim order dated 15/05/2024. It is not the case of the Investigating Agency that applicants did not cooperate in the investigation. Considering possibility of over implication, this is a fit case to grant anticipatory bail to these applicant. As such, this application is allowed in terms of interim order passed by this Court on 15/05/2024.

(R. M. JOSHI)
Judge