



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2088 OF 2023

Krushna Pandit Sonavane And AnotherApplicants

VERSUS

The State Of Maharashtra & AnotherRespondents

.....

Mr. N.K. Chaudhari, Advocate for applicants.

Mr. N.B. Patil, APP for respondents.

Mr. K.A. Jahagirdar, Advocate for informant.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 281 of 2023, registered with Ajintha Police Station, Aurangabad Rural, for offences punishable under sections 323, 324, 326, 337, 341, 504, 506 r/w. 34 of the Indian Penal Code.

2. FIR is lodged by Traymbak Sonawane alleging that there is dispute between him and applicants on account of agricultural land. Eight days prior to the incident both applicants obstructed him to fetch water from well and threatened to kill him. On 16.11.2023, at about 2.30 pm, when informant went to said well to start electric motor, at that time, applicants came

Bhagyawant Punde

there and obstructed him. Applicant No. 1 Krushna assaulted him with iron rod. Informant then called his son Sachin and son of his sister-in-law namely Mangesh on the spot. They questioned applicants as to why did they beat informant. Applicant No. 1- Krushna thereafter assaulted Sachin and Mangesh by iron rod and Applicant No. 2- Hari assaulted with stones.

3. Heard learned advocate for applicants and learned APP for respondents assisted by learned advocate for informant. Perused the investigation papers.

4. After arguing at length on merits, when this Court was not inclined to grant relief to Applicant No. 1- Krushna Pandit Sonavane, learned advocate for applicants on instructions seeks permission to withdraw application of Applicant No. 1. Permission granted. Application of Applicant No. 1- Krushna Pandit Sonavane is dismissed as withdrawn.

5. Perusal of investigation papers reveal that though allegation of assault by stones are levelled against Applicant No. 2- Hari, there are no corresponding injuries suffered by informant and his son Sachin. Injuries suffered by them appears to be caused by Applicant No. 1- Krushna. In that view of the

matter and considering the fact that there is civil dispute going on between the parties, prima facie, false implication of Applicant No. 2- Hari cannot be ruled out at this stage.

6. Applicant No. 2- Hari was granted interim protection and he has co-operated in the investigation. Nothing is to be recovered from Applicant No. 2- Hari. In the result, application is allowed by confirming the interim protection granted on 20.12.2023.

[NITIN B. SURYAWANSHI, J.]