



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

912 ANTICIPATORY BAIL APPLICATION NO. 738 OF 2024

Kalimoddin Karimoddin Kazi & anotherApplicants

VERSUS

The State of Maharashtra & anotherRespondents

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Mr. P. P. More, Advocate for Applicants.

Mrs. M. N. Ghanekar, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 24th JANUARY, 2025.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 0152/2024 registered with Ambajogai City Police Station, Dist. Beed, for the offence punishable under Section 379, 427 read with section 34 of Indian Penal Code.

2. Gist of the First Information Report is that on 10.04.2024 some incident had occurred in which applicants have allegedly caused damage to the fencing and poles erected by the informant on his property. It is also alleged that theft of the said fencing wire has been committed by the applicants.

3. Learned counsel for applicants submits that there are disputes between the parties and number of reports are lodged against each other. It is his contention that there is delay of two days in lodging present report and as such possibility of false implication cannot be ruled out.

4. Learned APP opposed the application by relying upon the evidence collected during the course of investigation. Photocopy of the spot of incident indicates that damage was caused to the fencing.

5. Once admittedly there is dispute between the parties, possibility of false/over implication cannot be ruled out. The incident has occurred on 10.04.2024. There is no explanation for not lodging the report immediately. This Court, therefore, finds substance in the contention of learned counsel for the applicants that owing to the previous disputes over implication is sought to be done by alleging theft against them. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge