



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

ANTICIPATORY BAIL APPLICATION NO. 1502 OF 2024

Sachin Ganpat Chavan And Others
VERSUS
The State Of Maharashtra And Another

Mr. Sohail Subhedar h/f Mr. N. S. Ghanekar, Advocate for applicant
Mr. S. B. Jadhav, APP for respondents/State

CORAM : R. M. JOSHI, J.
DATE : 15th January, 2025

PER COURT :-

1. Applicants apprehend arrest in connection with Crime No.0145 of 2024 registered with Paranda Police Station, District. Osmanabad for the offences punishable under Sections 109, 118(1), 115(1), 352, 351(1), 189(1), 191(3), 190 of the Bhartiya Nyaya Sanhita.
2. First Information Report indicates that incident occurred at 7 P.M. on 05.07.2024. Informant claims that the present applicants and co-accused came to his house and they started beating informant and others. There is allegation that the applicants used stick and iron rods to cause the said assault. Specific allegations are made about causing bleeding injuries to Kundlik Chavan and Navnath Chavan.
3. Learned counsel for the applicants submits that there are disputes between parties and civil proceedings are also pending. It is his

submission that though it appears from the First Information Report that the applicants went to the house of informant however, the spot of the incident indicates that the same is in front of houses of both sides. It is his further submission that there is delay in lodging of the report and the report lodged by the informant is by way of counter blast to the report lodged on the side of applicant.

4. Learned APP opposed the application by citing seriousness of the crime referring to the injury certificate. It is his submission that apparently some incident had occurred on 05.07.2024 in respect of which the applicant side had lodged report immediately whereas the present report is lodged after three days of the occurrence of the incident.

5. In this backdrop, perusal of the injury certificate shows that simple injuries were caused to the injured. As such, this Court finds substance in the contention of the learned counsel for the applicants that the offence under Section 118 of the Bhartiya Nyaya Sanhita may not get attracted. This Court also finds reason to accept the contention that this could be a case free fight. Applicants have no criminal history behind them. Their liberty was protected on 23.10.2024. There is no misuse of the liberty. Hence, application deserves to be allowed and accordingly

allowed in terms of interim order. For the purpose of any recovery, they be treated in the custody of police.

(R. M. JOSHI, J.)

bsj