



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

950 ANTICIPATORY BAIL APPLICATION NO. 1595 OF 2024

Digambar Shivaji Patil & anotherApplicants

VERSUS

The State of MaharashtraRespondent

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Mr. H. P. Randhir, Advocate for Applicants.

Mr. S. B. Jadhav, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 8th JANUARY, 2025.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 0404/2024 registered with Dhule Taluka Police Station, District Dhule, for the offences punishable under Section 326, 324, 143, 147, 148, 149, 323, 504, 506 of Indian Penal Code.

2. First Information Report is lodged by Ganesh Patil claiming that on 05.06.2024 at around 10.30 am, while he was cultivating land along with his parents and son, present Applicants came to the spot along with co-accused. It is stated that accused abused them. There is allegation against Applicant No. 1 Digambar that he caused injury to the informant with sharp aged weapon.

Allegation is also made against both the accused of causing assault on Kolilabai i.e. mother of the informant.

3. Learned counsel for the Applicants submits that infact the Applicants and others were assaulted by the informant's side and in this regard report is lodged vide First Information Report No. 403/2024. It is his submission that the mother of the informant never sustained any injury in assault. He also drew attention of the Court to the injury certificates of parents of Applicant No. 1 indicating that infact they received number of injuries including fracture injury.

4. Learned APP opposed the application by contending that there are injuries caused to the informant as well as his mother.

5. Prima facie, from record it can be said that some incident had occurred. However, question arises as to who can be said to be aggressor. Prima facie material on record indicates that the parents of Applicant No. 1 sustained several injuries. As against this, the case of informant becomes doubtful when there is evidence to indicate that his mother met with an accident. The possibility of she

sustained injuries in the said incident does not arise. The liberty of the Applicants was protected from October 2024. There is nothing on record to indicate that they misused the liberty. Considering the possibility of false/over implication, their liberty deserves to be protected. Learned counsel for Applicants makes a statement that they have no criminal history behind them. Learned APP points out that one offence was registered against Applicant NO. 1 however, he is acquitted therefrom. They are not likely to flee from justice. In view of these facts, application is allowed in terms of the interim order. For the purpose of recovery, Applicants be treated in custody.

(R. M. JOSHI)
Judge

dyb