

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 3479 OF 2015.

RAMESH S/O KISAN VITORE & ORS.
VERSUS
THE STATE OF MAHARASHTRA & ORS.

Appearance =>

Mr. Rajendra S. Deshmukh, Advocate for the Applicants.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 15th July, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of anticipatory bail, since they are apprehending their arrest in connection with CR No.I 25/2015 registered with Police Station, Pishor, Taluka – Kannad, District - Aurangabad for the offences punishable under Section/s. 326, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

[2] Heard Mr. Rajendra S. Deshmukh, learned counsel for the Applicants and Mrs. Pratibha Bharad, learned Additional Public Prosecutor.

[3] First Information Report is lodged by Kasabai Bhagirath Vitore. Present Applicants are close relatives of Kasabai, Applicant

No.1 Ramesh being her brother-in-law. According to the First Information Report itself, on the count of 12 gunthas agricultural land, dispute is going on between the First Informant and said Ramesh and matter is pending in the Civil Court. The learned counsel for the applicants submitted that, said suit is registered as Regular Civil Suit No.123 Of 2014.

[4] First Information Report states that, on 15th March, 2015 at 8 O'clock all the Applicants came in the agricultural field and they assaulted Kasabai, her husband Bhagirath and daughter – Rajashree resulting into the injuries to them.

[5] After arguing the matter for quite some time, Mr. Rajendra S. Deshmukh, learned counsel upon instructions from father of Applicant No.1 who is personally present in the court hall, seeks permission to withdraw the present Application for anticipatory bail filed on behalf of Applicant No.1 – Ramesh. Prayer accepted.

[6] I have gone through the investigation papers. Three injuries are appearing on the persons of Rajashree and Kasabai, out of that, one is grievous. Bhagirath has received injuries and those are simple in nature.

[7] I have also gone through the statements of Rajashree and Bhagirath. Their statements as well as first information report clearly attributed the specific role of Ramesh. In so far as other Applicants are concerned, allegations are most general in nature.

[8] Looking to the said fact that long standing civil dispute is pending, exaggeration on the part of the First Informant, at this stage, at least prima facie, cannot be ruled out. That leads me to pass the following order :-

ORDER

(i) Criminal Application is partly allowed.

(ii) Criminal Application filed on behalf of Applicant No.1 - RAMESH S/O KISAN VITORE is dismissed, as withdrawn.

(iii) In the event of arrest, Applicant No.2 – Rajendra alias Raju Kisan Vitore, Applicant No.3 – Kisan s/o Ramdas Vitore, Applicant No.4 – Balchand s/o Gangaram Vitore, Applicant No.5 – Yashodabai w/o Kisan Vitore and Applicant No.6 – Shobhabai alias Shobha d/o. Zanaklal w/o Ramesh Vitore, shall be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] each with one solvent surety in the like amount, in connection with CR No.I 25/2015 registered with Police Station, Pishor, Taluka – Kannad, District - Aurangabad for the offences punishable under Section/s. 326, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

(iv) Applicant No.3 – Kisan s/o Ramdas Vitore and Applicant No.4 – Balchand s/o Gangaram Vitore shall attend the Police Station, Pishor, Taluka – Kannad, District

- Aurangabad twice in a week, preferably on every Sunday and Tuesday, between 2.00 p.m. to 5.00 p.m, till charge sheet is filed.

(v) With this Criminal Application is partly allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)