

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

CRIMINAL APPLICATION NO. 3480 OF 2015

Manmat s/o Vithal Waghmare & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

**WITH
CRIMINAL APPLICATION NO. 3818 OF 2015**

Chandrakalabai w/o Vithal Waghmare
& Anr. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

.....

Mr. A.S.Deshmukh, Advocate for Applicants.

Mr. V.H.Dighe, A.P.P. for Resp. – State.

.....

CORAM : V.M.DESHPANDE, J.

DATE : 20th JULY, 2015

.....

PER COURT :

1. Both these two applications arise out of Crime No. 40/2015 registered with Hatta police station, District Hingoli for the offences punishable u/s 307,325,324,323,143,147, 148,149,504,506 of the Indian Penal Code.

2. Heard Mr. A.S.Deshmukh, learned counsel for the applicants and Mr. V.H.Dighe, learned A.P.P. for respondent – State.

3. F.I.R. is lodged by Gajanan Ramji Waghmare. It is to be noted that the present applicants and injured persons are cousins and are having lands adjacent to each other and on the basis of trifling issue, dispute occurred in between the families of two brothers and free fight was there in between them, resulting into registration of two F.I.R. In F.I.R. No. 40/2015, Dayanand Waghmare is injured.

In so far as Criminal Application No. 3818 of 2015 is concerned, the same is filed by Chandrakalabai and Kamalbai. According to F.I.R., role attributed to Chandrakalabai is that she has used blunt side of axe. If there was really intention on the part of Chandrakalabai, she would have used sharp side of the axe. Further, in so far as Kamalbai is concerned, allegation is that she has used abusive words. In that view of the matter, Chandrakalabai and Kamalbai are entitled to be released on anticipatory bail.

4. In so far as applicant Manmat in Criminal Application No. 3480 of 2015 is concerned, he is also one of the injured. From the F.I.R., no specific role is attributed against Manmat in the F.I.R. and also against applicant No. 2 Gangadhar no specific overt act is attributed. In so far as applicant Vithal is concerned, he is of tender age. According to the prosecution, he has given kick blows and fist blows. In that view of the matter, these applicants are also entitled for

anticipatory bail.

5. Hence, I pass the following order.

- (i) Present both Criminal Applications are hereby allowed.
- (ii) In the event of arrest in connection with Crime No. 40/2015 registered with Hatta police station, District Hingoli for the offences punishable u/s 307,325, 324,323,143,147,148,149,504,506 of the Indian Penal Code, applicant No. 1 Manmath s/o Vithal Waghmare, applicant No. 2 Gangadhar s/o Vithal Waghmare and applicant No. 3 Vithal s/o Gangadhar Waghmare in Criminal Application No. 3480 of 2015 and applicant No. 1 Chandrakalabai w/o Vithal Waghmare and applicant No. 2 Kamal @ Kavita w/o Manmat Waghmare in Criminal Application No. 3818 of 2015 be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount by each of them.
- (iii) Applicant No. 1 Manmath s/o Vithal Waghmare, applicant No. 2 Gangadhar s/o Vithal Waghmare and applicant No. 3

Vithal s/o Gangadhar Waghmare in Criminal Application No. 3480 of 2015 shall attend Hatta police station once in a fortnight preferably on every Sunday between 3.00 – 5.00 p.m. till the charge sheet is filed.

- (iv) With these observations, present both Criminal Applications are disposed of.

[V.M.DESHPANDE, J.]