

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

**CRIMINAL APPLICATION NO. 4150 OF 2015**

Anna Laxman Gaikwad & Ors. .... **APPLICANTS**

**V E R S U S**

The State of Maharashtra .... **RESPONDENT**

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Mr. Z.M.Pathan, Advocate for Applicants.

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

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**CORAM : V.M.DESHPANDE, J.**

**DATE : 6<sup>th</sup> AUGUST, 2015**

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**PER COURT :**

1. Heard Mr. Z.M.Pathan, learned counsel for the Applicants, who insisted for grant of ad-interim anticipatory bail. In that view of the matter, Court has to consider the case of the applicants on merit also.

2. According to the submission of the learned counsel for the applicants, present applicants have also filed F.I.R. against the first informant, in which he is claiming anticipatory bail.

3. Applicants are apprehending their arrest in connection with Crime No. 141/2015 registered with Sonai police station, Dist. Ahmednagar for the offences punishable u/s 307,326,323,324,452,457,337,143,147,148,149,504,506 of the Indian Penal Code, u/s 4 (25) of the Indian Arms Act and u/s 37 (1) (3) read with section 135 of the Bombay police Act.

4. F.I.R. is lodged by Prasad Chhaburao Yelwande. From the F.I.R., it is clear that applicant No. 1 Anna has given certain amount on account of 'Bhisi' to father of Prasad and in spite of the fact that said amount was returned to applicant No. 1 Anna, he was insisting for payment of interest and for that, prior to the incident in question, he took away scorio vehicle of the father of first informant Prasad and due to intervention of police, said vehicle was handed over to his father. Further, from the F.I.R. it is clear that on the day of Shiv Jayanti, father of the first informant was beaten by applicant No. 1 and for that complaint is already lodged. Thus, it is clear that applicant No. 1 Anna was nursing grudge in his mind against the family of first informant.

5. According to the F.I.R., on 17/07/2015 applicants and others barged into the house of first informant and assaulted on the father of first informant. F.I.R. is very specific in respect of the role played by each of the present applicants. According to F.I.R., applicant Nos. 1 and 2 assaulted by means of dangerous weapon like heavy wooden log, whereas applicant No. 3 has assaulted by means of dagger.

6. Offence is serious one. Custodial presence of the applicants is absolutely essential for recovery of the weapons, which they have used.

7. In so far as submission made on behalf of the learned counsel for the applicants in respect of filing of the F.I.R. by applicant No. 1 is concerned, it is totally mis-conceived in as much as it appears that in order to give counter-blast to the F.I.R. lodged by the first informant, the same is filed. Further, from the F.I.R. it is clear that they have barged into the house of first informant, therefore present applicants are aggressors.

8. In that view of the matter, no case is made out by the applicants for interim protection.

9. Hence, present Criminal Application is dismissed.

**[V.M.DESHPANDE, J.]**