

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

CRIMINAL APPLICATION NO. 6178 OF 2015

Tai @ Sanjivani w/o Krushna Raut & Anr. ... Applicants

VERSUS

The State of Maharashtra & Anr. ... Respondents

.....
Mr Sudarshan J. Salunke, Advocate for applicants
Mrs M. A. Deshpande, APP for respondent/State
.....

CORAM : **INDIRA K. JAIN, J.**
DATE : **11TH DECEMBER, 2015.**

PER COURT:

. Here is an application for pre-arrest bail in Crime No. 107 of 2015 registered at Dindrud Police Station, Dist. Beed for the offences punishable under Sections 307, 324, 323 read with 34 of the Indian Penal Code.

2. Heard Mr Sudarshan J. Salunke, learned counsel for applicants and Mrs M. A. Deshpande, learned APP for respondent/State.

3. It is the case of prosecution that on 6th October, 2015 at 10:00 a.m. complainant Bharat Shivaji Londhe resident of Nitrud,

Tq. Majalgaon, Dist. Beed his brother Bhagwat and his wife Usha were in their house. The father of complainant was in the field. When complainant and his mother Vijaymala were removing the bricks from the road, Krishna Raut, applicant No. 1 Tai and applicant No. 2 came there. Krishna asked them reason for removing the bricks and assaulted complainant by sword. As complainant resisted the blow with his hand he sustained grievous injury to left hand palm. Thereafter applicant No. 1 assaulted complainant by means of iron rod on his right head. The brother of complainant intervened. He was also assaulted by Krishna by means of sword on his head. Applicant No. 2 assaulted mother of complainant with bricks and caused her injury. On the basis of report of Bharat Shivaji Londhe above said crime came to be registered against the applicants and Krishna Raut.

4. Learned counsel for applicants submits that there is long pending dispute in respect of a plot between the parties. Number of complaints were lodged by husband of applicant No. 1 against the complainant and his family members. Learned counsel submitted that due to dispute over plot applicants have been involved in false case.

5. Another contention raised on behalf of applicants is that cross-complaint was filed by husband of applicant No. 1 in respect to incident which occurred on the same day. In that incident husband of applicant No. 1 and applicant No. 1 sustained injuries. In this background learned counsel for applicants submitted that pre-arrest bail be granted to applicants.

6. It can be seen from FIR lodged by Bharat Shivaji Londhe that it was prior in point of time. Injury certificate shows that he sustained incised wound on the skull. There were multiple injuries. FIR shows *prima facie* involvement of both the applicants. Individual role has been attributed in FIR to the applicants. Considering the *modus operandi* of the applicants alleged in FIR in commission of crime this court is not inclined to grant protection. Hence the following order.

ORDER

Criminal Application No. 6178 of 2015 is rejected.

**[INDIRA K. JAIN]
JUDGE**

sgp