

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.750 OF 2020

RAHUL S/O ROHIDAS CHAKRE AND ORS
VS
THE STATE OF MAHARASHTRA

Mr.YK Bobade, Advocate For Applicants;
Mrs.RP Gour, APP for State

CORAM : SMT.VIBHA KANKANWADI,J.
DATE : 16th October, 2020.

PER COURT:-

1. The applicants are apprehending their arrest in connection with CR No.150/2020 dated 18.7.2020 registered with Neknoor Police Station, District Beed, for the offences punishable under Sections 324, 326, 143, 147,148,149 of IPC.

2. Heard learned Advocate for the applicants and learned APP for State. It has been submitted that perusal of the FIR would show that all the family members have been falsely involved in the alleged crime. There was some trifle dispute and the informant and his brother had come to the house of accused No.7 under the influence of liquor to take back informant's wife for cohabitation. The informant then started abusing father-in-law -

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accused No.7. There was scuffle. When the informant was trying to assault accused No.7, accused No.7 had pushed the informant and his brother. They fell down and sustained injuries. Those injuries are minor. In fact, the informant and his family members were ill-treating the daughter of accused No.7 and, therefore, accused No.7 tried to give understanding to the informant and his family members and requested them to treat his daughter properly. But, the FIR has been lodged with ulterior motive. Nothing is required to be recovered from the applicants and, therefore, they deserve to be released on anticipatory bail.

3. The application has been strongly opposed. The weapon used in the commission of the crime by the applicants is required to be seized. The statements of the witnesses would show that the incident narrated in the FIR had taken place.

4. At the outset, it is to be noted that the informant has stated in his statement that his marriage was performed with daughter of accused No.7 on 4th June, 2020. The incident has taken

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place on 18.7.2020, that means, just after 1½ months. If the contention of the applicants is to be believed then only during cohabitation of 1 ½ months, whether it can be stated that the daughter of accused No.7 would have been so ill-treated. That inference was required by the father. Further, the applicants say that wife of the informant had come to the house of accused No.7. But when she had come, reasons for her said visit has been intentionally suppressed. Therefore, we are required to consider as to what the informant has stated in the FIR. According to the informant, he had some work at Neknoor and, therefore, he, along with his brother, had come to that place. At that time, Deepak – cousin brother of wife of the informant, went near the informant and started abusing him. Thereafter he was followed by Rohidas Chakre, who had assaulted the informant by stick. Thereafter it is stated that applicant No.2 went there with a rod and he had assaulted the informant at 2-3 places on his head. Further, as regards applicant No.3 is concerned, it is stated that he had assaulted the informant by stone. The medical certificate of the informant shows that he has

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sustained fracture of left elbow and the nature of the injury is stated to be grievous. No doubt, initially an MLC Certificate gives the nature of the injury as simple, but it can be seen from the injury that has been caused, shown in the certificate issued by Alane hospital as well as MLC certificate is left elbow. When the informant got married about 1 ½ months only, then what could have been the reason for the accused persons to behave in such manner, is required to be investigated. The weapons used in the commission of the crime are required to be seized from the applicants and, therefore, no case is made out to grant any relief to the applicants. The application stands rejected.

(SMT. VIBHA KANKANWADI,J.)

BDV