

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.248 OF 2020

Kiran Bhauso @ Aba Randhavan	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2772 OF 2019**

1) Ramesh Arjun Gawade;	
2) Bhauso @ Abaso Baburao Randhavan	.. Applicants
Vs.	
State of Maharashtra	.. Respondent

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Mr.Rupesh A. Zade, Advocate for the Applicants.
Mrs.A.A. Takalkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 28, 2020.

P.C. :

Applicants in both these applications are apprehending arrest in connection with C.R.No.862 of 2019, registered with Baramati Police Station, Pune Rural, for the offences punishable under Sections 143, 147, 148, 149, 307, 324, 323, 504 and 506 of Indian Penal Code (“IPC”, for short). First Information Report (“FIR”, for short) was lodged on 11th November, 2019.

2 The prosecution case is that the sister-in-law of the complainant was ill treated by her in-laws. On 18th November, 2019, the complainant's wife received a call from Sonali (Sister-in-law of complainant) that she is assaulted by her in-laws. The complainant and others visited the matrimonial home of Sonali. At that time the accused assaulted complainant and others.

3 Learned advocate for the applicant submitted that the applicants are falsely implicated in this case. The FIR is registered on account of matrimonial differences. There are no corresponding injuries in relation to overtact of assault attributed to the accused. Custodial interrogation is not necessary. No specific overtact is attributed to the applicant in ABA 2772 OF 2019.

4 Learned APP submitted that the accused were armed with weapons. All the applicants were members of unlawful assembly. The version of the complainant and other witnesses are fortified by the injury certificate. Applicant in ABA 248 of 2020 is attributed role of assaulting by sickle. He had assaulted Parshuram Malve. The said injured has sustained injury on his head.

5 On perusal of the FIR, it can be seen that the sister-in-law of complainant had complained that she has been assaulted by her in-laws. The complainant and others had visited her matrimonial home to question her in-laws about the assault attributed to her. As far as applicants in ABA 2772 of 2019. is concerned, their involvement is vague. They were not attributed any specific overtact of assault. However, as far as applicant Kiran Bhauso @ Aba Randhavan is concerned, specific overtact of assault by sickle has been attributed to him. There is corresponding injury as apparent from the injury certificate.

6 Considering the factual matrix of the matter, the applicant in ABA 248 of 2020 Kiran Bhauso @ Aba Randhavan is not entitled for relief under Section 438 of Cr.P.C. However, the applicants in ABA 2772 of 2019, can be granted protection by confirming interim order dated 18th December, 2019.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.248 of 2020, is rejected;

- (ii) Anticipatory Bail Application No.2772 of 2019, is allowed;
- (iii) Interim protection granted by this Court vide order dated 18th December, 2019, in ABA 2772 of 2019, is confirmed;
- (iv) In the event of arrest of Applicants in ABA 2772 of 2019, in connection with C.R.No.862 of 2019, registered with Baramati Police Station, Pune Rural, they be released on bail on their executing P.R. Bond in the sum of Rs.25,000/-, each, with one or more sureties in the like amount;
- (v) Applicants in ABA 2772 of 2019, shall attend investigating officer, as and when called for, till conclusion of the trial;
- (vi) Anticipatory Bail Applications stand disposed of.

(PRAKASH D. NAIK, J.)