

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

934 ANTICIPATORY BAIL APPLICATION NO. 54 OF 2021

1. SHANKAR REKHA CHAVHAN
 2. SAMPAT S/O. SHANKAR CHAVHAN
 3. VIKAS S/O. SHESHERAO CHAVHAN
 4. CHAMABAI @ CHABUBAI SHANKAR CHAVHAN
 5. SHANTABAI W/O. SHESHERAO CHAVHAN
- VERSUS
1. THE STATE OF MAHARASHTRA
 2. THE SUPERINTENDENT OF POLICE

Advocate for Applicants : Mr. R.K. Ashekar
h/f. Mr. D.N. Gilche.
APP for Respondent : Mr. P.G. Borade.

**CORAM : MANGESH S. PATIL, J.
DATED : 05.02.2021**

PER COURT :

Applicants are apprehending that they would be arrested in Crime No. 111/2020 registered with Wadwani Police Station, District Beed, for the offences punishable under Sections 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

2. In nutshell, the allegations are to the effect that the applicants and the informant are neighbours. Informant raised a grievance with applicants regarding flowing of the drain water from their house which passes in front of her house. Annoyed by such objections raised by her all the applicants are stated to have assaulted her.

Applicant No. 2 - Sampat is stated to have hit her with a stone on her head. Shankar and Shantabai are stated to have assaulted her with stick. She sustained grievous injury and lodged the FIR.

3. Learned Advocate for the applicants would submit that it was a trifle quarrel. The applicant and the informant are neighbours. The incident had occurred on a spur of moment. There is no premeditation. Only one blow on the head is attributed to Sampat. There are no other grievous injuries. The applicants are ready to co-operate the Investigating Officer. The interim relief be confirmed and the applicant may be granted anticipatory bail.

4. Learned APP opposes the application. He submits that the offence is serious. The informant has sustained grievous injury in the form of fracture to right parietal bone. All the applicants have acted in unison. There was a prior meeting of the mind. The investigation is in progress. There is direct involvement of at least three of the applicants. Not only the informant but couple of other persons from her family were also assaulted, albeit they sustained simple injury. The investigation is in progress. Custodial interrogation of the applicants is necessary and the application may be rejected.

5. I have carefully gone through the papers. Accepting the allegations in the FIR, the incident seems to have occurred on the spur of moment. The applicant and the informant are the neighbours. It is only when the latter tried to question the applicants regarding the drainage water, they are stated to have assaulted her.

6. Going by the allegations, it is apparent that the incident had taken place without there being any premeditation. One blow is attributed to applicant No. 2 – Sampat on the head which has caused fracture to parietal bone of the informant. Though some role is attributed to applicants Shankar and Shantabai, there are no corresponding injuries sustained by the informant.

7. Considering all the aforementioned facts and circumstances, when this Court expressed its disinclination to grant anticipatory bail to the applicant No. 2 – Sampat, his learned Advocate, on instructions, seeks leave to withdraw the application to his extent.

8. Considering the observations herein above, the rest of the applicants are entitled to anticipatory bail.

9. The application is partly allowed to the extent of applicant Nos.

1 and 3 to 5. The ad-interim relief granted to them stands confirmed with the same terms and conditions.

11. The application of applicant No. 2 - Sampat is rejected as withdrawn.

(MANGESH S. PATIL, J.)

S.P.C.