

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

935 ANTICIPATORY BAIL APPLICATION NO.60 OF 2021

- 1) Sundar Laxman Avghade,
Age 63 years, Occ. Labour,
- 2) Vishnu Sundarrao Avghade,
Age 27 years, Occ. Labour,
- 3) Dnyaneshwar Sarjerrao Avghade,
Age 28 years, Occ. Labour,
- 4) Sarjerao Laxman Avghade,
Age 46 years, Occ. Labour,
- 5) Sonerao Kashinath Avghade,
Age 26 years, Occ. Labour,
- 6) Namdeo Kashianth Avghade,
Age 29 years, Occ. Labour,
- 7) Balasaheb Kashianth Avghade,
Age 34 years, Occ. Labour,

All R/o. At hiwara Bk.
Tq. Majalgaon Dist. Beed.

...Applicants.

Versus

The State of Maharashtra,
Through Majalgaon Gramin Police Station,
Tq. Majalgaon, Dist. Beed.

...Respondent

...
Advocate for Applicants : Mr. Thorat Mohanish V.
APP for Respondent-State : Mr. S.W. Mundhe

...

CORAM : MANGESH S. PATIL, J.

DATE : 03 MARCH 2021

PER COURT :

This is an application under Section 438 of the Code of Criminal Procedure, as the applicants are apprehending their arrest in

connection with Crime No.311/2020 registered with Majalgaon Rural Police Station, District Beed for the offences punishable under Section 327, 324, 504, 143, 147, 149 of the Indian Penal Code.

2. Heard both the sides and perused the papers of investigation.

3. It is being alleged that on account of dispute as regards cultivation of a piece of land, the applicants are alleged to have assaulted the informant, when he tried to obstruct them.

4. It also transpires that in fact, there was a fight between the two sides. Even prior to the registration of the present crime, a crime bearing FIR No.310/2020 was registered by applicant-Vishnu on the basis of which offence is registered under Sections 308, 452, 143, 147, 148, 149, 323, 506 of the Indian Penal Code and under Section 3(2) (Va), 3(2) and 3(1) (r) of the Scheduled Tribes and Scheduled Castes (Prevention of Atrocities) Act, 1989 against the informant and his associates.

5. Perusal of the papers of the investigation would reveal that the informant though has stated about having sustained injuries on several parts of the body, the injury certificate shows that he sustained couple of simple injuries, one near a eye-brow and one on the right arm suspectedly sustained by hard and blunt object.

6. Coupled with the aforementioned state of affairs, it is also to be noted that the informant and his other associates have been granted bail by this Court in Crime No.310/2020.

7. Considering the over all conspectus of the matter, this is a fit case to grant anticipatory bail subject to usual terms and conditions.

8. The application is allowed.

9. In the event of arrest of the applicants in connection with Crime No.311/2020 registered with Majalgaon Rural Police Station, District Beed for the offences punishable under Section 327, 324, 504, 143, 147, 149 of the Indian Penal Code, they shall be released on bail on their executing personal recognizance for an amount of Rs.15,000/- (Rupees fifteen thousand) each and furnishing a solvent surety in the like amount each, subject to the following conditions.

(a) They shall attend the concerned Police Station on two consecutive Saturdays, starting from 06.03.2021 between 11.00 am. and 02.00 p.m. and shall co-operate the Investigating Officer.

(b) They shall not tamper the evidence or influence the witnesses.

(MANGESH S. PATIL, J.)