

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

**919 ANTICIPATORY BAIL APPLICATION NO. 367 OF 2021
WITH
CRIMINAL APPLICATION NO. 930 OF 2021**

1. Suresh @ Munna s/o Prakash Chavan,
Age : 32 yrs. Occ. Agri.
2. Prakash s/o Rambhau Chavan,
Age : 65 yrs. Occ. Agri.
3. Gopal @ Gorakh s/o Dilip Kale,
Age : 30 yrs, Occ. Agri.
4. Ramesh s/o Prakash Chavan,
Age : 35 yrs. Occ. Agri.
5. Kalyan s/o Bhagwan Shejul
Age : 66 yrs. Occ. Agri.
All r/o Nathapur, Tq. and Dist. Beed. ...APPLICANTS

VERSUS

The State of Maharashtra
Through Police Inspector,
Pimpalner Police Station, Tq. and Dist. Beed. ...RESPONDENTS

Mr. R. G. Hange, Advocate for the applicants
Mr. V. S. Badakh, APP for the respondent/State.
Mr. Sachin Deshmukh, learned Advocate for original complainant in
Criminal Application No. 930 of 2021

**CORAM : SHRIKANT D. KULKARNI, J.
(Vacation Court)**

DATED : 11-05-2021

PER COURT :-

1. It is an application for anticipatory bail moved by the applicants under Section 438 of the Code of Criminal Procedure in

connection with Crime No. 32 of 2021, registered at Pimpalner Police Station, District Beed for the offences punishable under Sections 354, 143, 147, 149, 323, 504 and 506 of the Indian Penal Code.

2. Heard Mr. R. G. Hange, learned Advocate for the applicants, learned APP for the State assisted by Mr. Sachin Deshmukh, learned Advocate for the first informant. Perused the copy of FIR and other papers as well as order passed by the Additional Sessions Judge, Beed.

3. On going through the copy of FIR it is noticed that first informant seems to have lodged the first information report with Pimpalner Police Station on 24/02/2021 about incident which had occurred on the very day about 9.45 in the morning. According to the allegations made in the FIR applicants alleged to have picked up quarrel with the family of the first informant and started abusing them in filthy language. Further it is alleged in the FIR that applicants were armed with wooden rafter, iron rod, iron pipe and stones assembled in front of the house of the first informant and started assaulting to them. First informant and her mother-in-law tried to intervene in the quarrel but they were abused with filthy language. Applicants scuffled with them and threatened with dire

consequences. After the alleged incident applicants ran away from the spot.

4. On the basis of the FIR lodged by Dhanashri Shrikrushna Shejul above said crime seems to have been registered against the applicants and now investigation is in progress. On perusing the police papers, it is found that the investigating officer has prepared spot panchanama as well as recorded statements of certain eye witnesses and also collected medico-legal certificates.

5. On going through the papers, it is evident that there are counter cases filed by the parties against each other. Both are on strained relations. It is the allegation of the first informant and her family members that applicants have criminal antecedents and they are involved in theft of sand to which their family objected.

6. So far as Crime No. 32 of 2021 is concerned as pointed out earlier sections 143, 147, 149, 323, 504 and 506 of the Indian Penal Code registered against the applicants areailable. Section 354 leveled against them is alone non-ailable. Learned APP argued that Investigating Officer intends to recover the weapons allegedly used in the commission of the offences and that is why he needs

custodial interrogation with the applicants.

7. I do not find much merit in the submissions of the learned APP. Having regard to the nature of offences registered against the applicants and in the background of counter cases filed by the parties against each other, the possibility of filing instant FIR at the instance of the first informant to give counter blow to the FIR filed by the family member of the applicants also cannot be ruled out. On perusing the FIR it is difficult to gather intention of applicants to attract Section 354 of the Indian Penal Code prima facie. Having regard to this aspect, coupled with the facts and circumstances of the case and nature of offences and looking to the COVID-19 pandemic, I am of the view that applicants need to be enlarged on anticipatory bail, however with certain conditions which may take care of remaining part of investigation. With this, I conclude and proceed to pass the following order.

ORDER

(1) The application for anticipatory bail moved by the applicants under Section 438 of the Code of Criminal Procedure is hereby allowed.

(2) Applicant No. 1 Suresh @ Munna s/o Prakash Chavan, applicant No. 2 Prakash s/o Rambhau Chavan, applicant No. 3 Gopal

@ Gorakh s/o Dilip Kale, applicant No. 4 Ramesh s/o Prakash Chavan and applicant No. 5 Kalyan s/o Bhagwan Shejul in connection with Crime No. 32 of 2021 registered at Pimpalner Police Station, District Beed for the offences punishable under Sections 354, 143, 147, 149, 323, 504 and 506 of the Indian Penal Code, they shall be released on bail on their furnishing PR bond of Rs.15,000 (Rs. Fifteen thousand) each with one or two solvent surety in the like amount on following conditions.

(i) The applicants shall report their attendance at Pimpalner Police Station once in a week i.e. on every Monday between 10.00 am and 11.00 am.

(ii) The applicants shall co-operate to the investigation agency / investigation officer and remain present as and when called for the investigation.

(iii) The applicants shall not tamper with the prosecution evidence/witnesses in any manner.

(iv) The applicants shall maintain peace and tranquility in the society and in case of breach of peace and tranquility, the anticipatory bail granted to the applicants shall stand cancelled.

(v) The copy of this order also be forwarded to the concerned police station for compliance.

7. Criminal application to assist the APP also stands disposed of.

(SHRIKANT D. KULKARNI)
JUDGE

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