

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

921 ANTICIPATORY BAIL APPLICATION NO. 374 OF 2021

1. Narsingh s/o Gangadhar Mane
Age : 34 years, Occ. Agriculture
R/o. Talegaon (Ghat), Tq. Ambajogai,
Dist. Beed. ... Ori. Accused No.1
2. Siminta w/o Gangadhar Mane
Age : 50 years, Occ. Agriculture & H.H.
R/o. Talegaon (Ghat), Tq. Ambajogai,
Dist. Beed. ... Ori. Accused No. 2
3. Nitin s/o Gangadhar Mane
Age : 31 years, Occ. Agriculture
R/o. Talegaon (Ghat), Tq. Ambajogai,
Dist. Beed. ... Ori. Accused No. 3
4. Komal w/o Nitin Mane
Age : 27 years, Occu. Agriculture & H.H.
R/o. Talegaon (Ghat), Tq. Ambajogai
Dist. Beed. ... Ori. Accused No. 4
5. Aruna w/o Narsingh Mane
Age : 30 years, Occu. Agril. & H.H.
R/o. Talegaon (Ghat), Tq. Ambajogai
Dist. Beed. ... Ori. Accused No.5
6. Ganesh s/o Murlidhar Kanse
Age : 38 years, Occ. Agriculture
R/o. Padmawati Nagar, Parli Vaijnath
Tq. Parli Vaijnath, Dist. Beed. ... Ori. Accused No.6
7. Surekha w/o Ganesh Kanse
Age : 34 years, Occu. Household
R/o. Padmawati Nagar, Parli Vaijnath
Tq. Parli Vaijnath, Dist. Beed. ... Ori. Accused No.7
... APPLICANTS

VERSUS

The State of Maharashtra

Through Police Station Officer,
Police Station Bardapur,
Tq. Ambajogai, Dist. Beed.

... RESPONDENTS

Mr. A. D. Gade, Advocate for the applicants
Mr. V. S. Badakh, APP for the respondent/State.

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. 13 of 2021 registered at Bardapur Police Station, Tq. Ambajogai, District Beed for the offences punishable under Sections 307, 394, 147, 148, 149, 504 and 506 of the Indian Penal Code.

2. Heard Mr. Gade, learned Advocate for the applicants, learned APP for the State. Perused the FIR and other papers annexed with the anticipatory bail application.

3. At the outset, it is necessary to mention that this Court (Coram: Mangesh S. Patil. J) was pleased to grant interim protection to applicant No. 2 – Siminta w/o Gangadhar Mane, applicant No. 4 Komal w/o Nitin Mane, applicant No. 5 Aruna w/o

Narsingh Mane and applicant No. 7 Surekha w/o Ganesh Kanse on certain conditions. It is not the case of the prosecution that any of them have caused breach of conditions imposed by this Court while granting interim protection.

4. On going through the papers, it is evident that there is long standing civil dispute between the parties and civil dispute seems to be the root in filing various criminal cases by both the sides against each other. As on today the civil dispute is not resolved and both the parties are fighting against each other by invoking appropriate legal remedies.

5. In the background of civil dispute between the parties, the case of the applicants need to be considered.

6. Mr. Gade, learned Advocate for the applicants invited my attention to the copy of Miscellaneous Criminal Application No. 811 of 2020 filed before J.M.F.C. at Ambajogai, which is the foundation of registration of crime against the applicants. It seems that learned J.M.F.C. has issued directions to Bardapur Police Station to investigate the matter after registering the FIR. On going through the above said criminal application, it is noticed by me that there

are allegations against the applicants that they were armed with deadly weapons and they were chasing the first informant and witness No. 1. On going through the same it is noticed that no one is assaulted and no one is hurt in the alleged incident. It is alleged that cash amount of Rs. 10,000/- allegedly snatched away by accused No. 1 /applicant No. 1 and accused No. 3 alleged to have snatched away amount of Rs. 25,000/- and one tola gold ring from witness No. 1.

7. It is material to note that applicants and the first informant and his family members are close relatives. Applicants are not the robbers to brand them. The allegations seems to have been made, so that matter can be so serious and applicants may be implicated in a serious offence. It is also pointed out by Mr. Gade, learned Advocate for the applicants that both the parties have filed cases against each other. In that background the implication of applicants in a crime under Section 394 and 307 of the Indian Penal Code cannot be ruled out. When there is absolutely no injury or hurt despite of the allegations that applicants were armed with deadly weapons, it is difficult to digest the allegations made by the first informant against the applicants in the above factual scenario and in the background of cronic civil dispute amongst them.

8. Neither first informant nor the witness sustained any kind of injury. None of them was hurt in the alleged incident what is the need of custodial interrogation. On going through the police papers it is noticed that the investigation is practically at the verge of completion. Under these circumstances, I am of the consider view that there is no need to have custodial interrogation with the applicants, when earlier set of applicants have been released on interim anticipatory bail and they have extended cooperation to the Investigating Officer. 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 Narsingh s/o Gangadhar Mane, applicant No. 2 Siminta w/o Gangadhar Mane, applicant No. 3 Nitin s/o Gangadhar Mane, applicant No. 4 Komal w/o Nitin Mane, applicant No. 5 Aruna w/o Narsingh Mane, applicant No. 6 Ganesh s/o Murlidhar Kanse and applicant No. 7 Surekha w/o Ganesh Kanse in connection with Crime No. 13 of 2021 registered at Bardapur Police Station, Tq. Ambajogai, District Beed for the offences punishable under Sections 307, 394, 147, 148, 149, 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 sureties in the like amount on following conditions.

(i) The applicants shall remain present as and when called by the Investigating Officer to complete remaining part of investigation.

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

. Inform the concerned police station accordingly.

(SHRIKANT D. KULKARNI)
JUDGE