

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

ANTICIPATORY BAIL APPLICATION NO.438 OF 2021

1] MANIKRAO MAROTRAO BHAROSE
2] SHARMILA MANIKRAO BHAROSE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Salunke Sudarshan J.
APP for Respondent/State : Mr. S.B. Narwade
...

CORAM : MANGESH S. PATIL, J.

DATE : 01.07.2021

PER COURT :

This is an application under Section 438 of the Code of Criminal Procedure as the applicants are apprehending arrest in connection with Crime No.29/2021 of Tadkalas Police Station, District Parbhani for the offence punishable under Section 307, 504 read with Section 34 of the Indian Penal Code.

2. Unfortunately, the dispute between the brothers on account of mother's land has escalated to the extent that applicant No.1 is stated to have assaulted his brother informant with an axe on the vital part like head causing him grievous injuries, inflicted with intent to kill him.

3. I have carefully heard the learned advocate for the applicant as also the learned APP and perused the papers of the investigation and particularly the medical papers.

4. After this Court expressed its disinclination to grant anticipatory bail to the applicant No.1 on merits, his learned advocate, on instructions, seeks leave to withdraw the Application to his extent.

5. Applicant No.2 happens to be the wife of the applicant No.1. The FIR alleges that while the applicant No.1 and the 3rd accused were assaulting the informant she was also present but prevented the sons of the informant to rescue him. Pertinently there are no allegations about she having taken part in carrying out the assault.

6. It is pertinent to note that the dispute between the brothers has been a long standing dispute on account of their right to cultivate a piece of land standing in the name of their mother. Even there is a counter FIR as also several other non-cognizable reports filed at the instance of the applicant No.1.

7. Whatever may be the dispute, the fact remains that going by the allegations in the FIR, the applicant No.2 is not attributed with any role in carrying out the assault.

8. The applicant No.2 is a woman who has already been granted ad-interim anticipatory bail by the order dated 28.04.2021 with usual conditions and there are no allegations about she having disobeyed the conditions. The weapon is to be seized from the applicant No.1. The 3rd accused has been granted anticipatory bail by the learned Additional Sessions Judge. Consequently even the applicant No.2 is entitled to anticipatory bail.

9. The Application is allowed. The ad-interim anticipatory bail granted by the order dated 28.04.2021 stands confirmed with the same terms and conditions.

(MANGESH S. PATIL, J.)