

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

ANTICIPATORY BAIL APPLICATION NO. 446 OF 2021

1. Mangal w/o. Baburao Karad,
Age : 57 years, Occu. Household,

2. Nandubai w/o Baburao Chate,
Age : 62 years, Occu. Household,

Both R/o. Tambwa, Tq. Kaij,
District Beed.

...Applicants

Versus

The State of Maharashtra

...Respondents

.....
Mr. Niteen V. Gaware, Advocate for the applicants
Mr. S. B. Narwade, APP for respondent / State
.....

AND

ANTICIPATORY BAIL APPLICATION NO. 447 OF 2021

1. Mohan Kisanrao Karad,
Age : 56 years, Occu. Sevice,

2. Baburao Kisanrao Karad,
Age : 60 years, Occu. Agriculture,

3. Baburao Nivrutti Chate,
Age : 65 years, Occu. Agriculture,

All R/o. Tambwa, Tq. Kaij,
District Beed.

...Applicants

Versus

State of Maharashtra

...Respondents

.....
Mr. Joydeep Chatterji, Advocate for the applicants
Mr. S. B. Narwade, APP for respondent / State
.....

CORAM : V. G. BISHT, J.
DATED : 25th August, 2021

PER COURT : -

1. These are applications under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No. 0179 of 2021, registered with Kaij Police Station, District Beed for the offences punishable under Sections 325, 452, 327, 354, 354-A, 143, 323, 506 and 504 of the Indian Penal Code.

2. It is the case of the prosecution that on 01.04.2021 at about 06:30 am when the informant was alone in her house, the applicants Mohan Kisan Karad and Babu Kisan Karad visited her house and asked as to why she and her family members are demanding partition of tins and land situated at Kaij and that she should not be allowed to live. Prosecution alleges that applicant - Mohan Karad caught hold of her by blouse and threatened to molest her. Similarly, applicant - Babu Kisan Karad caught hold of her waist from the back

with evil eye and started dragging her towards him. It is at that point of time applicant – Babu Nivrutti Chate came there and assaulted informant by means of fist blows. When she raised commotion, all the above said applicants went away. Meantime her husband came and she narrated the incident. When her husband went to the applicants to confront them, they all beat him by means of kick blows and caused chest fracture. It is further alleged that when she requested that her husband should not be beaten, applicants Mangal Babu Karad and Nandubai Baburao Chate removed mini mangalsutra (ganthan) of one tola (10 gms) from the neck of the informant. Babu Karad and Babu Chate removed Rs. 8,000/- from the pocket of informant's husband.

3. Mr. Chatterji, learned Counsel for the applicants in ABA No. 447 of 2021, submits that the applicants have been falsely implicated because of property dispute and animosity. Similarly, Mr. Gaware, learned Counsel for the applicants in ABA No. 446 of 2021, submits that the applicants have been implicated on account of previous animosity arising out of the property dispute.

4. Mr. S. B. Narwade, learned APP, on the other hand, would submit that the custodial interrogation of the applicants is

necessary inasmuch as not only the applicants removed mini ganthan from the neck of the informant during the course of incident but they had also taken away cash amount of Rs. 8,000/- from the pocket of the informant's husband.

5. I have also gone through the papers submitted on record by the learned Counsel for the applicants. It appears that some dispute in respect of the property was there between the parties which according to learned Counsels, is still going on. Having regard to the nature of allegations, in my considered opinion, the applications deserve consideration. As far as anxiety of learned APP in respect of the recovery of ganthan and cash amount is concerned, the same can be taken care of by imposing certain conditions on the applicants.

6. For the aforesaid reasons, I am inclined to allow the applications. Hence, following order.

- i. Both the Anticipatory Bail Applications are allowed.
- ii. In the event of arrest of the applicants in Anticipatory Bail Application No.446/2021 and Anticipatory Bail Application No.447/2021, in connection with Crime No.0179/2021 registered with Kaij Police Station, District

Beed for the offences punishable under Sections 325, 452, 327, 354, 354-A, 143, 323, 506, 504 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 each in the like amount subject to following conditions :

- a] They shall attend the concerned Police Station as and when called by the Investigating Officer and shall cooperate him.
- b] They shall not tamper the evidence or influence the witnesses.

[V. G. BISHT]
JUDGE