

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 ANTICIPATORY BAIL APPLICATION NO.697 OF 2021
WITH
CRIMINAL APPLICATION NO. 1413 OF 2021

DIPAK KACHRU GAIKWAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Mr.S.S. Bora, Advocate for the applicants.
Mr.A.V. Deshmukh, APP for the respondent/State.
Mr.R.R. Karpe, Advocate for the intervenor.

CORAM : SANDEEP K. SHINDE, J.
DATED : 08.07.2021

PC :-

01. Heard learned Counsel for the applicants, learned Counsel for the intervenor and learned APP for the respondent/State.

02. The applicants are members of one family. Applicant No.4 is father of applicant Nos.1 to 3; whereas applicant No.5 and 6 are wives of applicant Nos.1 and 3. In a dispute with a neighbour the complainant alleged that in prosecution of common object, the applicants assaulted Santosh, Hirabai and Prasad by iron rod, wooden log, kicks and fist blows. The injury certificates and photographs placed on record by the intervenor show that injured persons had suffered grievous injuries including fracture. I have no reason to disbelieve the medical

certificates issued by Gangadhar Ugale Hospital.

03. Learned Counsel for the applicants would submit, it is a case of over-implication, in a sense, no specific role has been attributed to applicant Nos.4 to 6.

04. I have perused the FIR and the medical certificates. Herein applicant No.4 is a senior citizen; whereas applicant Nos.5 and 6 are wives of applicant Nos. Nos.1 to 3. In consideration of facts of the case and the nature of injuries sustained by Santosh, Hirabai, Prasad, I am not inclined to grant pre-arrest protection to applicant Nos.1,2 and 3. However, in consideration of the facts of the case and particularly the age of applicant No.4 and applicant Nos.5 and 6 being women and members of one family, they are granted pre-arrest protection. As such, pre-arrest protection is declined to applicant Nos.1,2 and 3 and granted to applicant Nos.4,5 and 6.

05. In the event of arrest of applicant Nos.4,5 and 6, they shall be released on bail on executing bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one or more sureties in like amount. They shall not tamper or influence prosecution witnesses. They shall also report to the Investigating Officer on 9th, 16th and

(3)

aba697.21

23rd July, 2021 between 11.00 a.m. to 01.00 p.m.,
thereafter as and when called by the Investigating
Officer.

06. Anticipatory Bail Application is disposed of in
aforesaid terms.

07. Intervention application is disposed of.

[SANDEEP K. SHINDE,J.]