

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 798 OF 2021

GOVIND NANASAHEB PAWAR
VERSUS
THE STATE OF MAHARASHTRA

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Mr. S.J. Salunke, Advocate for the applicant,
Mr. V.M. Kagne, APP for the respondent.

CORAM : V.G. BISHT, J.

DATE : 11th August.2021.

ORDER:-

1] This is an application under Section 438 of Cr.P.C. preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No. 074 of 2021, registered with Police Station, Bardapur for the offences punishable under Sections 307, 326, 324, 323, 143, 144, 147, 148, 149, 504 of IPC.

2] The informant's brother, namely, Arun Vishwambhar Sherekar had sold 4 acres of land out of agricultural field No. 776 and 799 in the year 2019 to one Nanasaheb Gyanoba Pawar. A civil dispute is going on. On 17.6.2021, the informant, his brother – Sudhakar, sons – Santosh and Samarjit, nephew Sunil Sudhakar Sherekar were working in the agricultural field bearing Gat No. 776. It is alleged that (1) Nanasaheb Gyanoba Pawar, (2) Govind Nanasaheb Pawar (3) Ashok Raosaheb Pande (4) Anant Ashok Pande (5) Vasant Vishnu Ghodke (6) Umakant Vishnu Ghodke (7) Amol Vishnu Ghodke (8) Vishal Vasant Ghodke, armed with sticks and knife came and told Nanasaheb

Gnyanoba Pawar that his brother had executed a registry in respect of 4 acres of land and, therefore, they have not got any right to cultivate the said lands and then started abusing. The prosecution alleges that Nanasaheb Gynanoba Pawar then gave a blow of stick on the right hand, right knee of the informant and caused fracture on the left hand. Vasant tried to assault Sudhakar by means of knife on his neck but the said blow was deflected. Govind Nanasaheb Pawar i.e. present applicant then stabbed on the abdomen of Sudhakar and thus, attempted to kill him.

3] Mr. S.J. Salunke, learned counsel for the applicant submits that since the lands in dispute were cultivated by the present applicant and others, they were assaulted by the informant and others and accordingly, a counter complaint i.e. FIR No. 75 of 2021 under Sections 143, 147, 148, 149, 324, 323, 342, 504, 506 and Section 3(2)(va) and 3(1)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 came to be registered against the present informant and others at Bardapur police station. According to learned counsel, in order to pressurize and dispossess the applicant and others from the land, the informant and his accomplices filed a false complaint. According to learned counsel, the applicant is permanent resident of village Devla having landed property. Therefore, he will always be available for investigation and trial purposes. In such circumstances, the learned counsel urged to allow the application.

4] Mr. Kagne, learned APP, on the other hand, opposed the submissions and when this court confronted the learned APP as to the nature of injury allegedly caused by the applicant, the learned APP submitted a medical certificate of said Sudhakar, who was allegedly assaulted by the applicant by means of a knife. I have perused the injury

certificate and it shows that the said Sudhakar Vishwambhar Sherekar had sustained Stab wound and 3 contused lacerated wounds which were caused by means of a sharp object and sticks, respectively. The nature of injuries, however, were simple.

5] Having regard to the above material facts and also the ongoing dispute between the parties in respect of the agricultural field, leading to filing a complaint and counter-complaint, this court is of a considered view that the present application deserves consideration. Hence, I pass the following order.

: O R D E R :

[I] In the event of arrest of the applicant in connection with Crime No. 074 of 2021, registered with Police Station, Bardapur for the offences punishable under Sections 307, 326, 324, 323, 143, 144, 147, 148, 149, 504 of IPC, the applicant be enlarged on bail on his furnishing PR Bond in the sum of Rs. 20,000/-, with one or two sureties in the like amount.

[II] The applicant shall attend the concerned police station as and when called and shall cooperate with the police in the investigation.

[III] He shall not tamper with the evidence.

6] The application stands disposed of in aforesaid terms.

**[VG. BISHT]
JUDGE.**

grt/-