

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

ANTICIPATORY BAIL APPLICATION NO. 1081 OF 2021

1. JANKIRAM S/O. MAROTI PAWAR
2. RAMKISHAN S/O. TATERAO SAVANT
3. ANITA W/O. DATTA PAWAR
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicants : Mr. S.J. Salunke.
APP for Respondent : Mr. A.S. Shinde.

CORAM : PRAKASH D. NAIK, J.
DATE : 05.10.2021.

Per Court :

1. The applicants are apprehending arrest in Crime No. 243/2021, registered with Selu Police Station, District Parbhani, for the offences punishable under Sections 307, 326, 327, 452, 427, 323, 504, 143, 148, 149, 506 of the Indian Penal Code.

2. The first information report was registered on 10.08.2021. It is alleged by the complainant that accused Datta Jankiram Pawar, Ganesh Pawar, Gangadhar Pawar, Jankiram Pawar (applicant No. 1), Ramkishan Sawant (applicant No. 2), Anita Pawar (applicant No. 3) came in front of the shop of the complainant. They were armed with stick and axe. They

abused the complainant. They trespassed the shop of the complainant. They questioned complainant on account of previous quarrel wherein the son of the complainant had abused the accused. Datta Jankiram Pawar assaulted by the axe on the head of the complainant. Gangadhar Pawar assaulted on the head and the waist of the complainant. Ganesh Pawar, Jankiram Pawar, Ramkishan Sawant, Anita Pawar caused damaged to the shop and took away an amount of Rs. 5,000/-. Jankiram assaulted by stick on the head of Pratap Pawar. Datta Pawar assaulted Pratap Pawar by sticks. Thereafter, the gold articles of the complainant were lost. The son of the complainant had reached the spot. Ganesh Pawar had assaulted him with stick. Ramkishan Sawant gave blow by stone on his head and Anita Pawar assaulted him by stick.

3. During the course of investigation co-accused Ganesh Pawar, Datta Jankiram Pawar and Gangadhar Pawar were arrested and they were remanded to the custody. Subsequently, they were granted bail.

4. Learned Advocate for the applicants submitted there were

disputes on account of property, civil litigation is pending between the parties. The main accused to whom serious role is attributed, were arrested and granted bail. The remand order of the arrested accused indicates that the amount of Rs. 5,000/- is recovered from the co-accused.

5. Learned APP submitted that the specific role has been attributed to all the accused. Applicant No. 2 had assaulted Shubham with the stone. There is corresponding injury to the head of the said witness. All the applicants are involved in the offence.

6. On perusal of the first information report, it appears that the applicant No. 1 had allegedly participated in assault by using stick. Applicant No. 2 had allegedly participated in assault on Shubham with a stone and applicant No. 3 caused damage in the house of the complainant. It is noted that the other accused to whom specific role is attributed, has arrested and granted bail. In the light of the factual matrix of this case, the applicants need not be subjected to custodial interrogation, case for grant of anticipatory bail is made out.

ORDER

- i. Anticipatory Bail Application No. 1081/2021 is allowed.
- ii. In the event of arrest of applicants in Crime No. 243/2021, registered with Selu Police Station, District Parbhani, they be released on bail on executing P.R. bond in the sum of Rs. 20,000/- (Rupees twenty thousand) each with one or more sureties in the like amount.
- iii. The applicants shall appear before the Investigating Officer on 12.10.2021, 13.10.2021 and 14.10.2021 between 11:00 am and 1:00 pm and thereafter, as and when called for till filing of the charge-sheet.
- iv. Application is disposed of.

(PRAKASH D. NAIK, J.)