

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

26 ANTICIPATORY BAIL APPLICATION NO.1284 OF 2021

1. Gayabai w/o Bansi Khandagale
2. Sujata (Sujita) d/o Bansi Khandagale Applicants
Versus
The State of Maharashtra Respondent

...
Mr. M.B. Sandanshiv R.R. Karpe, Advocate for the applicants.
Mr. S.B. Narwade, A.P.P. for respondent - State.
...

CORAM : **PRAKASH D. NAIK, J.**

DATE : 29-11-2021

ORDER :

1. The FIR was registered vide Crime No. 694 of 2021 at Newasa Police station, Dist. Ahmednagar for the offence punishable under Section 327, 143, 148, 149, 323, 504 and 506 of the Indian Penal Code.

2. The complainant has alleged that the accused persons used to obstruct them whenever they were passing through the road which was situated in front of the house of accused. On 14.9.2021, Bansi Khandagale, Gayabai Khandagale (applicant no.1), Sheela, Sujata (Applicant No.2) Sarla and others had an altercation with the complainant and others. The accused had abused the complainant and others and assaulted them with fist and kick blows. The applicant had allegedly took amount of Rs. 10000/- from the wife of the complainant and applicant No.2 had allegedly snatched the

ornaments from the person of the complainant's wife which were valued around Rs.15,000/-.

3. Submission of the learned counsel for the applicants is that all the accused were falsely implicated. On 13.9.2021, NC complaint was lodged by the applicant No.1 with Newasa Police station for the offence punishable under sections 504 and 506 of IPC against Somnath, Uttam and Swati Navnath Khandagale, who are the son and daughter in law of the complainant. The FIR is a counter blast to the said complaint. The accused No.1 Bansi, Sheela, Sarla, Guddi were granted anticipatory bail by the Sessions Court.

4. Learned APP submitted that the role attributed to the applicant can be distinguished from the other accused who were granted protection. The applicant is involved in taking away cash of Rs. 10000/- from the possession of complainant's wife and applicant No.2 had snatched ornaments from the complainant's wife valued about Rs. 15,000/-. There are eye witnesses to the incident. The injured persons had sustained contusions which are of simple nature.

5. From the tenor of the FIR it is apparent that the incident is on account of dispute between both the families and the possibility of exaggeration of the incident by attributing alleged role to the applicants cannot be ruled out.

6. In view of the above, the applicants need not be subjected to custodial interrogation. The applicants were granted interim protection by order dated 28th October 2021 with direction to

report the Investigating Officer on 11th and 12th November 2021. Learned Counsel for the applicants submitted that the applicants have complied the directions of reporting the Investigating Officer.

7. Hence, interim protection granted to the applicants can be confirmed. In the result, I pass the following order.

ORDER

- (i) ABA No. 1284 of 2021 is allowed.
- (ii) Interim order dated 28th October 2021 is confirmed.
- (iii) In the event of arrest of the applicants in Crime No.694 of 2021 registered with Newasa Police Station, District Ahmednagar, the applicants be released on bail on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount.

8. The application stands disposed of.

(PRAKASH D. NAIK, J.)

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