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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2760 OF 2021

1. Balu Namdeo Waghpure
2. Dattatraya Anna Waghpure
3. Bhiva Shiva Waghpure
4. Ramdas Soma Waghpure

...Applicants

Versus

The State of Maharashtra

...Respondent

.....

Mr. Ganesh Bhujbal for the Applicants.
Mr. Ameet A. Palkar, APP for the Respondent -State.
Ms. Khushboo Oswal for the Intervenor.

.....

CORAM: V.G.BISHT, J.
DATE: 4TH DECEMBER , 2021

PC:-

1. The present application has been moved by the applicant under Section 438 of the Code of Criminal Procedure apprehending arrest under Sections 143, 147, 148, 149, 307, 326, 323, 504 and 506 of the Indian Penal Code (the IPC) registered vide Crime No. 272 of 2021 with Jejuri Police Station, Pune Rural.

2. It is the case of prosecution that the informant's close relatives, namely, Namdev Tolba Waghpure (A-1), Anna Tolba Waghpure (A-2), Shiva Tolba Waghpure (A-3) and Soma Tolba Waghpure (A-4) reside in the same vicinity at some distance from informant's house. They own joint agriculture land with their cousins, namely, Kaluram Bapu Waghpure and Jaywant Bapu Waghpure. Partition of the said land is yet to be effected and, therefore, there are disputes and differences between the said joint family.

3. Prosecution alleges that on 13th October, 2021 at about 5.30 pm., informant's nephew Jayram Dada Waghpure telephonically informed him that his cousin, namely, Dada Nana Waghpure is assaulted with an axe by A-1 to A-5 and their siblings i.e. the present applicants on the pretext that he interferes in their agriculture land and provokes their cousins to get the agriculture land divided and partitioned.

4. According to prosecution, when informant reached at the place of incident, he found his cousin Dada Waghpure

had received head injury while Anusuya Dada Waghpure, Jayram Dada Waghpure and Raghu Dada Waghpure had also sustained injuries and later on filed the First Information Report (FIR).

5. Mr. Bhujbal, learned Counsel for the applicants, submits that the dispute between the parties is purely of civil nature. The present FIR is filed to pressurize the applicants and their family members so as to compel them to settle the said dispute. Even otherwise, according to learned Counsel, the alleged injuries sustained by the prosecution witnesses are simple in nature. There are no criminal antecedents against the applicants. Thus, having regard to the nature of accusations and the injuries allegedly sustained by prosecution witnesses, the present application deserves to be allowed.

6. Mr. Palkar, learned APP, on the other hand, with the assistance of learned Counsel for the Intervenor fairly submits

that the injuries sustained by prosecution witnesses are simple in nature and therefore, an appropriate order may be passed.

7. Having regard to the nature of accusations and since it has been fairly submitted by learned APP that the prosecution witnesses had only suffered simply injuries, in my considered opinion, the applicants deserve to be given the benefit of pre-arrest bail. Hence, the following order :

ORDER

- i) The application is allowed.
- ii) In the event of arrest of the applicants in C.R.No. 272 of 2021 registered with Jejuri Police Station, Pune Rural for the offences punishable under Sections 143, 147, 148, 149, 307, 326, 323, 504 and 506 of the IPC, the applicants be enlarged on bail on their furnishing PR & SB in the sum of Rs. 40,000/- each with one or two local surety/sureties in like amount.

iii) The applicants shall not tamper with prosecution evidence.

iv) The application stands disposed of accordingly.

(V.G.BISHT, J.)