

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 ANTICIPATORY BAIL APPLICATION NO.103 OF 2022

SHAHU RAMA TALEKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Deshmukh Sachin S.
APP for Respondent-State : Mr. V. M. Kagne
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 15-02-2022.

ORDER :

1. The applicants are accused No.2 and 3 as per the FIR, who are apprehending their arrest in connection with Crime No.497 of 2021, registered with Georai Police Station, District Beed, for the offences punishable under Section 307, 326, 323, 504, 506 r.w.34 of IPC.
2. Heard learned Advocate Mr. S. S. Deshmukh for applicants and learned APP Mr. V. M. Kagne for respondent-State. In order to cut short, it is stated that both of them have made submissions in support of their respective contentions.
3. Perusal of the FIR lodged by one Dilip Vishnupant Rakshe on 31-10-2021 would show that it is in respect of incident dated 16-09-2021 alleged to have occurred around 12.30 p.m. It has been contended

that the agricultural lands of the informant as well as accused persons are adjacent to each other. Informant went to his field around 12.30 p.m., at that time accused No.2 i.e. present applicant No.1 was grazing his cattle in the Toor crop of the informant, and therefore, informant started asking him as to why he had entered his field and damaged the crop. At that time, accused No.2/ applicant No.1 asked informant as to why he has filed case against him, he should take it back, otherwise he will not allow them to cultivate land as well as he will not be allowed to stay in the village. When applicant No.1 was abusing him in filthy language, informant asked him not to abuse. Applicant No.1 then called accused No.1 and 3/ applicant No.2 at that place. Original accused No.1 Ashok was holding iron rod and he assaulted the informant with that iron rod on the head of the informant, resulting in injury. So also he pressed the neck of the informant and stated that he will not allow him to live. The present applicants were holding wooden sticks. They caused covert injury to the back of the informant and they were instigating accused No.1. When the informant raised hue and cry, the witnesses came and rescued him. It is then also stated that the present applicant No.1 had pushed witness No.1 Prayagabai Dilip Rakshe and outraged her modesty. Informant went to Georai Police

Station Outpost Madalmohi, however, since he had received severe injury, he was referred to hospital, and then from Madamohi hospital he was referred to Sub-District Hospital, Geroai. He was admitted till 19-09-2021. Even after discharge when he had gone to Georai Police Station to lodge the report, due to the political intervention, his FIR was not recorded. Later on his FIR has been recorded and in that incident the informant has received seven stitches to his head injury.

4. Perusal of the entire contents of the FIR would show that as regards the present applicants are concerned, it is stated that they were instigating and caused covert injury to the back of the informant. As regards charges for the offences punishable under Section 307, 326 of IPC are concerned, they are attributed against co-accused Ashok, who is not before this Court in this application. At this stage, the police have not invoked Section 354 of IPC against applicant No.1. Even as per the statements of the witnesses, the said lady had gone to rescue her husband, and in that process, if the applicant No.1 would have caught hold by the lady and then pushed her, whether it amounts to outrage of the modesty, is a question. The physical custody of the applicant is not required though it

appears that some injuries were caused but the injury certificate that is forming part of the police papers says there was one injury only i.e. CLW on occipital area 4 x 2 x 1 cm caused by hard and blunt object and the nature is stated to be simple. There is no mention of seven stitches. So also there is no mention in this report which is at present forming part of the police papers that the informant was admitted between 16-09-2021 to 19-09-2021 at Sub-District Hospital, Georai. Though this medical certificate have been issued by the same hospital, hope the investigating officer would make further inquiry with the hospital authorities in this respect.

5. Taking into consideration the role attributed to the applicants, this Court had granted interim protection by order dated 27-01-2022, the said order deserves to be confirmed, accordingly it is confirmed. Hence, following order.

ORDER

- 1) Application is hereby allowed and disposed of.
- 2) The interim protection granted by this Court on 27-01-2022 to the present applicants is hereby confirmed. In other words, in the event of arrest of applicants Shahu s/o Rama Talekar and Latabai w/o Shahu Talekar, in connection with

Crime No.497 of 2021, registered with Georai Police Station, District Beed, for the offences punishable under Section 307, 326, 323, 504 r.w.34 of IPC, they be released on PR of Rs.30,000/- each (thirty thousand) and S.B. of Rs.15,000/- each (fifteen thousand).

3) The applicants shall not indulge in any criminal activity nor they shall tamper with the evidence of the prosecution.

4) Applicant Shahu s/o Rama Talekar to attend the Georai Poice Station, District Beed, on every Tuesday and Friday between 11.00 a.m. to 02.00 p.m. till filing of charge-sheet.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-