

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

ANTICIPATORY BAIL APPLICATION NO.150 OF 2022

- 1) Vikas S/o Devidas Taware,
- 2) Anil S/o Rambhaji Taware

...APPLICANTS

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr.S.E. Shekade Advocate for Applicants.
Mr.N.T. Bhagat, A.P.P. for Respondent-State.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 16th FEBRUARY, 2022

ORDER :

1. The applicants are apprehending their arrest in connection with Crime No.7 of 2022 registered with Ashti Taluka Police Station, Taluka-Ashti, District-Beed for the offence punishable under Sections 354, 354-A, 504, 507 read with Section 34 of the Indian Penal Code.

2. Heard learned Advocate for the applicants and learned APP for the respondent – State. In order to cut-short, it can be stated

that both the sides have made submissions in support of their respective contentions.

3. The First Information Report has been lodged by married lady, aged about 26 years. However, it is to be noted that it is in respect of the incident that had allegedly taken place on the same day at about 3.00 p.m. i.e. on 7th January 2022. There is copy of another First Information Report of Crime No.5 of 2022 registered with the same Police Station on 6th January 2022 lodged by present applicant No.2 – Anil Rambhaji Taware, in respect of the incident dated 26th December 2021. It was against the husband of the present informant and another person. That offence was registered under Sections 307, 323, 326, 504, 507 read with Section 34 of the Indian Penal Code. Further document that has been produced by the applicants state that applicant No.2 was admitted in the hospital on 26th December 2021 in respect of the incident in Crime No.5 of 2022 and he was discharged on 1st January 2022. The final diagnosis is that there was nasal bone fracture due to the physical assault. If this kind of enmity was there and applicant No.2 was discharged from the hospital on 1st January 2022, whether he would commit such offence on 7th January 2022, is a question.

4. Further, the informant states that she was picking up grass for animals, when suddenly the present applicants came out from the Jawar crop and had outraged her modesty. She raised voice, whereupon one Yogesh Kakasaheb Taware and Udhav Babasaheb Taware reached to the spot. Here, it will not be out of place to mention that said Yogesh Kakasaheb Taware is co-accused with the husband of the informant in Crime No.5 of 2022. The informant has not stated as to what was the distance between her house and the place where she was picking up grass for the animals. But when she states that her father-in-law, mother-in-law and her co-sister were in the house, then they would be the persons who would reach to the spot immediately. But, she is giving the name of the person against whom applicant No.2 had already lodged the First Information Report.

5. Taking into consideration all these aspects and the allegations though appear to be serious in nature, yet will not require physical custody of the applicants. This Court has already granted interim protection to the applicants by order dated 8th February 2022, which deserves to be confirmed. Accordingly, following order is passed:-

ORDER

- i) Application stands allowed.
- ii) The interim protection granted to the applicants by this Court by order dated 8th February 2022 stands confirmed. It is thus clarified that in the event of arrest of applicant No.1 – Vikas S/o Devidas Taware and applicant No.2 – Anil S/o Rambhaji Taware in connection with Crime No.7 of 2022 registered with Ashti Taluka Police Station, Taluka-Ashti, District-Beed for the offence punishable under Sections 354, 354-A, 504, 507 read with Section 34 of the Indian Penal Code, they be released on bail on PR Bond of Rs.30,000/- (Rupees Thirty Thousand) each with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand) each.
- iii) The applicants shall attend Ashti Police Station on every Monday between 10.00 a.m. to 12.00 noon till filing of the charge-sheet and co-operate with the investigation.
- iv) The applicants shall not tamper with the evidence of the prosecution in any manner.

[SMT. VIBHA KANKANWADI , J.]