

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 ANTICIPATORY BAIL APPLICATION NO.183 OF 2022

HIRABAI W/O SUDHAKAR BURFE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. V.S. Bhale and Mr. R.A. Karwa, Advocates for applicants

Mr. V.M. Kagne, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 16th MARCH, 2022

ORDER :

1 The applicants are apprehending their arrest in connection with Crime No.7/2022 dated 08.01.2022 registered with Bidkin Police Station, Dist. Aurangabad, for the offence punishable under Section 143, 147, 148, 307, 149, 324, 323, 504, 506 of the Indian Penal Code, 1860.

2 Heard learned Advocates Mr. V.S. Bhale and Mr. R.A. Karwa for applicants and learned APP Mr. V.M. Kagne for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 The First Information Report has been lodged by Mirabai Ramesh Barfe in respect of incident dated 08.01.2022 alleged to have been taken place between 11.00 to 11.30 a.m. According to the informant, there is a dispute between her family and her step mother-in-law Muktabai and the said dispute is in Court. It is then stated that the date in respect of the dispute before the Court was 07.01.2022, but the matter was got adjourned. On that day the co-sister of the informant had abused the family of the informant and asked, as to why they have got the adjournment in the matter, however, the informant and his family members had not reacted to the same. On the day of incident the informant says that in all 12 persons came and started abusing and threatening that as they have got the adjournment and protracting the matter the informant and family members should vacate the premises. At the time of incident, it is then stated that, the applicants were present. They had assaulted the informant and her husband by kicks and fist blows. It can be seen that the allegations attracting offence under Section 307 of the Indian Penal Code are against one Suraj Tingote, who is not before this Court and it is also against applicant No.5 Madhukar and it is stated that he had assaulted by iron rod to the informant's chest and back.

4 At this stage, there are only referral cards, those have been collected and Medico Legal Certificate has not been collected uptill now by

the Investigating Officer. Some of the co-accused have been arrested and weapons like iron scythe, iron rod and stick have been recovered. Now, taking into consideration the role attributed to the applicants, including applicant No.5, they deserve to be released on bail. It is then stated that Crime No.35/2015 under Section 363, 147, 148 of the Indian Penal Code is pending against the present applicants with Bidkin Police Station. So also, Crime No.210/2012 was registered against them for the offence punishable under Section 324, 323, 504 read with Section 34 of the Indian Penal Code. The present status of these cases has not been stated by the Investigating Officer. Same is the case with the two offences registered against applicant No.4 Vanita Kiran Landge @ Vanita d/o Bhanudas Barfe. They are registered at M.I.D.C. Thane Police Station and Bhiwandi Taluka Police Station. Though there are alleged criminal antecedents, it cannot be the sole ground for rejecting the application. We will have to consider the role attributed to them in the present case. Therefore, the interim protection granted to the applicants by this Court on 17.02.2022 deserves to be confirmed. Accordingly, it is confirmed. Hence, following order.

ORDER

- 1 Application stands allowed.
- 2 The ad-interim protection, granted by this Court earlier to

applicants vide order dated 17.02.2022, is hereby confirmed and made absolute. In other words, if the applicants are not formally arrested, in the event of arrest of the applicants viz. **1) Hirabai Sudhakar Burfe, 2) Ranjana w/o Dilip Tingote, 3) Ratnabai w/o Madhukar Barfe, 4) Vanita d/o Bhanudas Burfe, 5) Madhukar Bhanudas Barfe, 6) Mayur Madhukar Barfe and 7) Prafull Anil Magare**, in connection with Crime No.7/2022 dated 08.01.2022 registered with Bidkin Police Station, Dist. Aurangabad (Rural), for the offence punishable under Section 143, 147, 148, 307, 149, 324, 323, 504, 506 of the Indian Penal Code, 1860, they be released on P.R. of Rs.50,000/- (Rupees Fifty Thousand only) each with two solvent sureties of Rs.25,000/- (Rupees Twenty Five Thousand only) each.

3 Applicants shall not indulge in any criminal activity nor shall tamper with the prosecution evidence, in any manner.

4 They should cooperate with the investigation.

5 Applicant Nos.5 to 7 shall attend Bidkin Police Station, Dist. Aurangabad (Rural), on every Monday, Wednesday and Friday between 10.00 a.m. to 12.00 noon, till filing of charge sheet.

(Smt. Vibha Kankanwadi, J.)