

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.215 OF 2022

BANDU S/O SAHEBRAO JADHAV & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

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Advocate for Applicants : Mr. R. S. Deshmukh
APP for Respondents-State : Ms. Vaishali Patil Jadhav

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CORAM : SMT.VIBHA KANKANWADI, J.

**Date of Reserving the Order :
14-03-2022**

**Date of Pronouncing the Order :
29-04-2022**

ORDER :

1. All the applicants are apprehending their arrest in connection with Crime No.44 of 2022, registered with Ambad Police Station, District Jalna, for the offence punishable under Section 307, 143, 147, 148, 149 of the Indian Penal code.
2. Heard learned Advocate Mr. R. S. Deshmukh for applicants and learned APP Ms. Vaishali Patil Jadhav 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. The FIR has been lodged by one Somnath Masaji Gaikwad on 17-01-2022 in respect of an incident alleged to have taken place at about 22.00 hours of 14-01-2022. He has stated that he has three sons and one daughter. Daughter got married about 20 to 22 years ago and she has one daughter and one son. His son-in-law has illicit relations with a lady and he is residing with that lady since about seven years at a different place. There was abuses given to the son of the informant by son-in-law Ramesh Jadhav on 14-01-2022. Offence was registered against Ramesh Jadhav in respect of the same. Even informant and another son went to Ambad Police Station at that time and it took about 10.00 p.m. for them at the police station itself. Therefore, in order to leave daughter to her house, all of them went on motorcycle. At that time, all the accused persons started abusing daughter of the informant and started assaulting the informant and others with sticks. Son-in-law of the informant Ramesh Jadhav assaulted informant with stick on his head, right hand and left leg. His son Bhagwan, Vishnu and daughter Shivganga were also severely beaten by the accused persons. The lady accused persons had poured chilly powder over the face of the informant and slapped him.

4. It appears that accused Janabai Bandu Jadhav had also lodged report with the same police station in respect of alleged incident that had taken place at 22.00 hours of 14-01-2022 on 17-01-2022, that means it is subsequent, and it is also under Section 307, 452, 143, 147, 148, 149, 427 of IPC. The applicants have produced the Medico Legal Certificate from their side to show that they have also received injuries. Out of them Janabai received grievous injury and Karan Ramesh Jadhav has also received grievous injuries. Others have received simple injuries. As regards the present case is concerned, it is to be noted that accused No1. Ramesh Jadhav is not before this Court, and therefore, what allegations have been made against the applicants is required to be seen. The police papers show statements of witnesses have been recorded, some of them are eyewitnesses. The contents of the FIR as well as the statements of the witnesses would show a specific act attributed to Ramesh Jadhav. Though the presence of all the applicants has also been shown and it is stated that they were armed with sticks and iron rods, it is not made specific as to who was holding which weapon and who had assaulted whom. Even the injured person is not saying as to who had assaulted that person. Those are the omnibus statements or general statements though the Medico Legal

Certificate show that the many of them have received grievous injuries. It also appears that the injury to the informant was very much serious. The injuries to him are on the vital part i.e. right parietal region, left Infrapatellar region, and fracture appears to be on the right forearm mid 1/3rd. He appears to be under treatment for a longer time, but according to him the author of those injuries is Ramesh Jadhav. At the cost of repetition it can be said that when the injured persons themselves have not made it clear as to exactly who had assaulted them and with which weapon, under such circumstances, the custodial interrogation of the applicants appear to be not required. The interim protection granted to the applicants on 28-02-2022 deserves to be confirmed, accordingly it is confirmed. Hence, following order.

ORDER

- 1) Application is hereby allowed.
- 2) The interim protection granted to the applicants by this Court on 28-02-2022 is hereby confirmed. In other words, in the event of arrest of the applicant No.1 Bandu s/o Sahebrao Jadhav, applicant No.2 Arun s/o Sahebrao Jadhav, applicant No.3 Karan Ramesh Jadhav, applicant

No.4 Muktabai @ Raju w/o Bhikaji Pandhare, applicant No.5 Janabai w/o Bandu Jadhav, applicant No.6 Satyabhama w/o Arun Jadhav, applicant No.7 Jijabai w/o Baban Gaikwad and applicant No.8 Thakubai w/o Sahebrao Jadhav, in connection with Crime No.44 of 2022, registered with Ambad Police Station, District Jalna, for the offence punishable under Section 307, 143, 147, 148, 149 of Indian Penal Code, they be released on P.R.Bond of Rs.30,000/- each with two solvent sureties of Rs.15,000/- each.

3) Applicants No.1 and 2 shall remain present before the Investigating Officer on every Tuesday and Friday between 10.00 a.m. to 02.00 p.m. till filing of the charge-sheet.

4) Applicants shall not tamper with the evidence of prosecution in any manner.

5) They shall not indulge in any criminal activity.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.