

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 ANTICIPATORY BAIL APPLICATION NO.214 OF 2022

1. Sudhir s/o Ashok Dangat
 2. Ashok s/o Keshav Dangat
 3. Latabai w/o Keshav Dangat
 4. Janabai w/o Jalindar Dangat
 5. Rohini @ Sandhya w/o Pradip Dangat
 6. Ashvini @ Sunita w/o Satish Dangat
- ... Applicants

Versus

The State of Maharashtra

... Respondent

...

Mr. N. B. Narwade, Advocate for applicants.

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

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 06.04.2022

ORDER :-

. The applicants are apprehending their arrest in connection with Crime No.84 of 2022 registered with Rahuri Police Station, Dist. Ahmednagar for the offences punishable under Sections 143, 147, 148, 149, 324, 323, 504, 506, 307 of Indian Penal Code. It will not be out of place to mention here that after filing of application, statement was made that applicant No.1 was arrested and, therefore, the application in respect of applicant No.1 has been withdrawn. As regards applicant No.2 is concerned, when disinclination is shown, application has been

withdrawn as against applicant No.2 also on 25.02.2022. Therefore, the present application is restricted for applicant Nos.3 to 6 only.

2. Heard learned Advocate Mr. N. B. Narwade for the applicants and learned APP Mr. V. M. Kagne for the respondent – State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. Perusal of the FIR would show that it has been lodged by one Prasad Sakharam Dangat on 31.01.2022 at about 22.23 hours in respect of the incident that had allegedly taken place on the same day around 13.40 hours. It is against nine persons. As regards applicant Nos.3 to 6 are concerned, it is stated that they had assaulted the mother of the informant, however, no further details have been given as to by which weapon or by which means, these applicants had assaulted her. No doubt, further it is stated that co-accused Pradip Dangat had assaulted mother of the informant by iron rod on her head and hand. The Medico Legal Certificate issued by the Rural Hospital, Rahuri would show that Chandrabhagabai i.e. mother of the informant had sustained four injuries, (i) CLW on frontal side of the head, 6 x 1 x 1 cm, simple in nature, (ii) CLW on left forearm, 2 x 1 x 0.5 cm, simple in nature, (iii) Abrasion on right middle finger, 1 x 1 cm, simple in nature and (iv)

Blunt trauma contusion on left side of forehead, 5 x 5 cm, simple in nature. First two injuries are stated to be by sharp object, whereas third and fourth are stated to be by hard and blunt object. Therefore, taking into consideration the Medico Legal Certificate, the contents of the FIR as well as the other documents in the police papers, offence under Section 307 of Indian Penal Code or even Section 324 of Indian Penal Code is not made out against the present applicants taking into consideration their individual acts are concerned. No doubt, effect of Section 149 of Indian Penal Code would be considered at the end of the trial. Under such circumstance, the interim protection granted earlier by this Court to applicant Nos.3 to 6 deserve to be confirmed. Hence, the following order :-

ORDER

- I) Application stands allowed.
- II) The ad-interim relief granted earlier by this Court to applicant Nos.3 to 6 vide order dated 25.02.2022 stands confirmed and made absolute. In other words, in the event of arrest of applicant No.3 – Latabai w/o Keshav Dangat, applicant No.4 – Janabai w/o Jalindar Dangat, applicant No.5 – Rohini @ Sandhya w/o Pradip Dangat and applicant No.6 – Ashvini @ Sunita w/o Satish Dangat in connection with Crime No.84 of 2022 registered with Rahuri Police Station, Dist. Ahmednagar for the offences punishable under Sections 143, 147, 148, 149, 324,

323, 504, 506, 307 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, if not already released.

III) Applicant Nos.3 to 6 shall not tamper with the evidence of the prosecution in any manner and co-operate with the investigation.

IV) They shall not indulge in any criminal activity.

[SMT. VIBHA KANKANWADI, J.]

scm