

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.345 OF 2022

SOMNATH S/O MASOJI GAIKWAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. S. R. Andhale
Advocate for Assist to APP : Mr. V. A. Chavan h/f Mr. D. R. Deshmukh
APP for Respondent-State : Mr. A. M. Phule

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**WITH
CRIMINAL APPLICATION NO.1060 OF 2022
IN ABA/345/2022**

THAKUBAI W/O SAHEBRAO JADHAV
VERSUS
SOMNATH MASOJI GAIKWAD AND OTHERS

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Advocate for Applicant : Mr. V. A. Chavan h/f Mr. D. R. Deshmukh
Advocate for Respondents No.1 to 5 : Mr. S. R. Andhale
APP for Respondent No.6-State : Mr. A. M. Phule

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**CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 05-04-2022**

ORDER :

1. Criminal Application No.1060 of 2022 has been filed for assist to learned APP. Said application stands allowed and disposed of.
2. The applicants In ABA No.345 of 2022 are apprehending their arrest in connection with Crime No.45 of 2022, dated 17-01-2022,

registered with Police Station, Ambad District Jalna, for the offence punishable under Section 307, 452, 143, 147, 148, 149, 427 of IPC.

3. It will not be out of place to mention here that when the matter was on board on 24-03-2022, then taking into consideration the contents of the FIR and the prima facie case is made out against applicants No.1 and 2, their application i.e. prayer in respect of bail to them was rejected, hence practically the application is restricted to applicants No.3 to 5 only.

4. Heard learned Advocate Mr. S. R. Andhale for applicants, learned Advocate Mr. V. A. Chavan h/f Mr. D. R. Deshmukh for assist to learned APP, and learned APP Mr. A. M. Phule for respondent-State. In order to cut short, it is stated that all of them have made submissions in support of their respective contentions.

5. The FIR has been lodged by one Janabai Bandu Jadhav on 17-01-2022 in respect of an incident that had taken place at about 10.00 p.m. on 14-01-2022. There appears to be some delay in lodging the FIR. She has stated that when she as well as her husband were sleeping, they heard the noise of abuses in front of their house, and therefore, her husband opened the door. At that

time, seven persons including applicants No.3 to 5 had formed unlawful assembly. They were armed with sticks and iron rod. After abusing the informant and her husband, accused persons started saying how they can bring order from Court in respect of the land. When the husband of the informant started saying from inside the house that they would talk about it in the morning, then the accused persons started pelting stones. All of them thereafter entered the house and caught hold of her husband and nephew. Those persons were caught hold by applicants No.1 and 2 here and by stating that he will not be kept alive, he was assaulted by stick on his head causing grievous injury. When the informant went to rescue her husband, she was also assaulted on her head by the stick. It is then stated that damage was caused to the household articles.

6. Thus, it is to be noted that in the FIR there is no specific role attributed to the present applicants. It is also to be seen that on the FIR lodged by present applicant No.1 Somnath s/o Masoji Gaikwad on 17-01-2022 at 19.14 hours, offence under Section 307, 143, 147, 148, 149 of IPC has been registered against the informant and her family members, and the said FIR is prior in time. Medical papers have been produced before this Court. It is to be noted that from

informant's side Ramesh Jadhav has received simple injuries, Bandu Jadhav has also received simple injuries, Janabai has received grievous hurt and one Karan Jadhav has received two grievous injuries. The statements of witnesses have also been recorded in this case would show that no specific role has been attributed to applicants No.3 to 5, and therefore, the interim protection granted to them deserve to be confirmed, accordingly it is confirmed. Hence, following order.

ORDER

- 1) Application is hereby allowed.
- 2) The interim protection granted by this Court on 24-03-2022 to the present applicants is hereby confirmed. In other words, in the event of arrest of applicants No.3 Vishnu s/o Somnath Gaikwad, No.4 Nilkanth s/o Somnath Gaikwad and No.5 Shivganga w/o Ramesh Jadhav, in connection with Crime No.45 of 2022, dated 17-01-2022, registered with Police Station, Ambad, District Jalna, for the offences punishable under Section 307, 452, 143, 147, 148, 149, 427 of IPC, they be released on P.R.Bond of Rs.30,000/- each with two solvent sureties of Rs.15,000/- each.

3) Applicants No.3 Vishnu s/o Somnath Gaikwad and No.4 Nilkanth s/o Somnath Gaikwad to remain present before the Investigating Officer on every Monday, Thursday and Friday between 10.00 a.m. to 02.00 p.m., till filing of charge-sheet.

4) They shall not try to commit any offence and shall not try to tamper with the evidence of the prosecution in any manner.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.