

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

17 ANTICIPATORY BAIL APPLICATION NO.608 OF 2022

DAYANAND MARUTI DHANADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Jadhavar Shivprasad G.
APP for Respondent-State : Ms. V. S. Choudhari.
Advocate for Respondent No.2/Complainant : Mrs. Manisha
Deshmukh h/f Mr. M. V. Salunke.
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CORAM : S. G. MEHARE, J.
DATE : 25.07.2022

PER COURT :-

1. Heard the learned counsel for the applicant.
2. Learned counsel for the applicant would submit that the applicant and the first informant are relatives. The complainant is the wife of deceased's brother of the applicant. It has been alleged in the FIR that on the day of the incident the first informant went to the field for ploughing. She was claiming that she was ploughing the field which was came to the share of her deceased husband. That time, her mother-in-law and the present applicant obstructed her from ploughing the field and drove away the tractor driver. Thereafter, they abused her and threatened her not to enter into the field. It has also been

alleged that there was a free fighting between them. Applicant Dayanand torn her blouse and pressed her chest. The learned counsel for the applicant has submitted that the mother of the applicant has lodged the report against the present complainant on the same day, wherein it has been alleged that the complainant and her daughter unauthorizedly entered into their field, when she obstructed them, the complainant and her daughter assaulted her. He also argued that a false allegations have been levelled against the applicant that he has outraged the modesty of his sister-in-law. The complainant has tried to take the law in hand and she was unauthorizedly entered into the field. Therefore, nothing is to be recovered from the applicant.

3. Learned APP has vehemently argued that there are eye witnesses to the incident. A serious offence has been committed. The applicant has created a terror in the mind of the complainant, who is helpless widow. The applicant has crossed his limits and without respecting the relation with the complainant, he has torn her blouse and pressed her chest. Considering the gravity of the offence, the applicant is not entitled to the anticipatory bail.

4. The learned counsel for the complainant has vehemently

argued that a false story has been cooked against the complainant that she has forcefully entered into the field. The authenticated copy of the FIR has not been placed on the record, which is allegedly lodged against the applicant. The offence is serious. The complainant has a danger at the hands of the applicant. Hence, he may not be protected as prayed.

5. It is not in dispute that the complainant is a widow and sister-in-law of the applicant. It also appears that they were having the dispute over the agricultural field. The 7/12 extract placed on record shows that it was standing in the name of Maruti Govindrao Dhanade - the father of the applicant. Their relations appears strained. The learned counsel for the applicant has rightly pointed out that the alleged field in question was not partitioned to date. However, complainant has tried to take the law in hand and she was forcibly entered into the field. It is really unfortunate that the sister-in-law has tried to use the weapon of her modesty against the brother-in-law to get the possession of the field which is yet not partitioned. The complainant had other legal remedies to claim the possession but only on the basis of having the share in the field, she entered there and started ploughing. The entire consideration of the facts enable the applicant to be

released on anticipatory bail. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted by the order dated 11.07.2022 is confirmed on the same terms and conditions of the bail and bail bonds.

(S. G. MEHARE, J.)

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vmk/-