

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.871 OF 2022
WITH APPLN/2300/2022 IN ABA/871/2022

1. Shivaji s/o. Vikram Pawar (Patil),
2. Kalpanabai w/o. Shivaji Pawar (Patil) .. Applicants

Versus

The State of Maharashtra and another .. Respondents

Mr. Paresh B. Patil (Borse), Advocate for Applicants;
Mr. K. S. Patil, APP for Respondents/State;
Mr. Kazi Kazi Riyazoddin, Advocate for complainant (applicant in
APPLN/2300/2022)

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CORAM : S. G. MEHARE, J.

DATE : 25-07-2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned APP for the respondent/State, the learned counsel for the complainant assisting the learned APP.
2. It seems to be a boundary dispute. The incident happened on 18.06.2022. It has been alleged that applicant Kalpanabai assaulted the first informant with a stick in his hand, and the applicant Shivaji assaulted the husband of the complainant Sanjay with a wooden handle of a hoe.

3. The learned counsel for the applicant has vehemently argued that the complainant Vaishali did not receive serious injury. The alleged weapon used by Shivaji has been seized from the spot of the incident. Both the applicants are senior citizens, and they are ready to cooperate with the Investigation. The main co-accused has been arrested. Therefore, the applicants may be released on anticipatory bail.

4. The learned APP for the respondent/State with learned counsel assisting him have vehemently argued that the offence is serious. The injury to Sanjay was caused in the occipital region. The serious injury has been caused to co-injured Rajendra by the co-accused. All the accused were aggressive and assaulted the first informant and his family members. Hence, they prayed for the rejection of the application.

5. Perused the papers placed before this Court. The injuries sustained to both injured were simple. There is no dispute that they are fighting for boundary disputes. Only one person has suffered a grievous injury at the hands of other co-accused. The deadly weapon, like a hoe, has already been seized from the spot of the incident. The other weapon allegedly used in the crime is a general stick which the normal agriculturist use. The applicant Shivaji is 65 years, and applicant Kalpana is 60 years old. Considering the dispute, recovery of weapon and the age of

applicants, this Court is of the view that if anticipatory bail is granted on stringent conditions, the prosecution would suffer no loss. Hence, the following order -

- i) The application is allowed.
- ii) In the event of arrest, the applicants (1) Shivaji s/o. Vikram Pawar (Patil) and (2) Kalpanabai w/o. Shivaji Pawar (Patil) be released on bail, on executing PB and SB of Rs.15,000/- each with one solvent surety of like amount, in C. R. No. 203 of 2022, registered with Parola Police Station, Taluka Parola, District Jalgaon, for the offence punishable under Sections 307, 326, 324, 504 and 506 of the Indian Penal Code; on the condition that they shall attend the police station on 28.07.2022 to 30.07.2022 between 10.00 and 1.00 p.m. and cooperate with the investigation agency.
- iii) Criminal Application No. 2300 of 2022 is allowed.

**(S. G. MEHARE)
JUDGE**

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