

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1053 OF 2022

SURESH RAMJI NAGARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Balasaheb N. Magar
APP for Respondent : Mr. S. B. Narwade
...

CORAM : S. G. MEHARE, J.

DATE : 06-09-2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent at length.

2. After hearing the learned counsel for the applicants and the learned A.P.P. for the respondent extensively, the Court expressed disinclination to grant anticipatory bail to the applicants No. (5) Ajay s/o. Vitthal Gite (in FIR the name is mentioned as Ajay Vivek Gite) and (8) Mandakini w/o. Vinod Nagre. The learned counsel for the applicants, on instructions, seeks leave to withdraw their application. Leave granted. The application of applicants No. 5 and 8 stands dismissed as withdrawn.

3. The facts of the case reveal that the complainant had sold the field long back. However, the purchaser had sold the same land to the applicant No.8 Mandakini. The complainant had filed a civil suit for injunction claiming that the sale deed in favour of Mandakini was nominal and the possession was never handed over to the purchaser. Since the complainant learnt about the sale transaction in favour of the applicant Mandakini, he joined her as party to the said suit. Mandakini had filed an application for temporary injunction which was allowed. However, prayer for interim injunction by complainant was dismissed. The papers reveal that in the litigation at various places, the prayers of the complainant have been rejected. The complainant was unsuccessful every time. However, he was not agreeing that he was not in possession of the said suit field. Therefore, his presence on the spot was apparently illegal. Be that as it may, the fact remains that both the parties have assaulted each other and caused serious injuries.

4. The learned A.P.P. has rightly pointed out that there are corresponding injuries to the injured. The weapons used by the assailants are to be recovered. However, so far as the allegations against remaining applicants are concerned, those are general in nature and nothing is to be recovered from them. Therefore, the application deserves to be partly allowed. Hence, the following order :-

- i) The application is partly allowed.
- ii) The order granting interim protection to the applicant Nos. (1) Suresh s/o. Ramji Nagare, (2) Vinod s/o. Uttam Nagare, (3) Sandip s/o. Uttam Nagare, (4) Vitthal s/o. Sitaram Gite, (6) Suman w/o. Uttam Nagare (7) Shashikalabai w/o. Vitthal Nagare, by the order dated 11.08.2022 is confirmed on the same terms and conditions.

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

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