

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

ANTICIPATORY BAIL APPLICATION NO.1088 OF 2022

1. Jaya w/o Balwant Maske
2. Bebabai w/o Sakharam Haral ...Applicants
Versus
The State of Maharashtra ...Respondent

...
Advocate for Applicants : Mr. Devakate Anant R
APP for Respondent/State : Mr. K.S. Patil

...
CORAM : S.G. MEHARE, J.

DATED : 29th AUGUST, 2022

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. The applicants have a specific case that they have been falsely implicated in the crime. The charge sheet has been filed and the witnesses have deposed that co-accused Gajanan assaulted the Ramrao with sickle. He has referred to the statement of injured Ramrao Mhaske and pointed out that he did not state against the present applicants. The witnesses did not support the prosecution that the present applicants have assaulted Arvind. Arvind did not suffered any injury and there is no injury certificate filed along with the charge sheet. The co-accused have been arrested and released on bail. The report has been exaggerated involving the entire family members. Nothing is to be recovered from the applicants.

3. Learned APP has opposed the application contending that the offence is serious. Specific allegations of assault with sickle and stones have been levelled against the applicants. Therefore, the application may be rejected.

4. Perused the papers and charge sheet submitted by the learned counsel for the applicants. Perusal of the statement of the witnesses reveals contradiction as regards the use of the weapon by these two applicants. However, the statement of independent witness reveals that the applicant Gajanan assaulted Ramrao Mhaske. The prosecution has no evidence showing that Arvind has sustained injuries. No injury certificate is attached with the charge sheet. It is a common tendency to involve each and every member of the family in the crime. Same thing happened in this case also. For the absence of any injury certificate, it cannot be believed that the applicants have assaulted Arvind with sickle and stones. In the absence of any cogent evidence, the application deserves to be allowed. Hence, the following order :

ORDER

(A) The Application is allowed.

(B) In the event of arrest, the applicants, Jaya w/o Balwant Maske and Bebabai w/o Sakharam Haral, be released on anticipatory bail, on executing P.B. and S.B. of Rs.20,000/- (Twenty Thousand) each with one solvent surety in the like amount in Crime No.74 of

(3)

2022 registered with Manatha Police Station, District Nanded for the offence punishable under Sections 324, 323, 504, 506, 143, 148, 149 of the Indian Penal Code, on the condition that they shall attend the police station as and when called by the Investigating Officer on written notice and shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)

Mujaheed//