

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

CRIMINAL APPEAL NO. 642 OF 2021

1. Suresh Sundarrao Magar
Age: 68 years, Occ.: Agri.,
2. Anil @ Anirudh Sundarrao Magar
Age: 66 years, Occ.: Agri.,
3. Uttam Vankat Doifode
Age: 53 years, Occ.: Agri.
All R/o Gogalgao, Tq. Manwat,
Dist. Parbhani

..APPELLANTS

VERSUS

1. State of Maharashtra
Through Police Station Officer,
Manwat Police Station
2. Kantabai Udhav Takansar
Age: 55 years, Occ.: Household,
R/o Gogalgao, Tq. Manwat,
Dist. Parbhani

..RESPONDENTS

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Mr. P.P. More, Advocate for appellants
Mr. R.B. Bagul, A.P.P. for respondent no.1 – State
Ms. S.M. Jadhav, Advocate for respondent no.2

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CORAM : R.G. AVACHAT, J.
RESERVED ON : 28th JANUARY, 2022
PRONOUNCED ON : 09th FEBRUARY, 2022

ORDER :

1. The challenge in this appeal is to the order rejecting application of the appellants for grant of anticipatory bail in connection with Crime No. 379 of 2021 registered with Manwat Police Station, Dist. Parbhani for the offences

punishable under Section 323, 324, 504, 506 read with Section 34 of the Indian Penal Code and under Section 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('the Act').

2. Heard. Perused the First Information Report ('F.I.R.') and the related papers.

3. Learned counsel for the appellants would submit that there is a long standing dispute between the parties over the property. The informant and her family members have been unsuccessful in civil litigation. There is an order of injunction operating against them for not to obstruct the appellants in their peaceful enjoyment of the agricultural land.

4. According to learned counsel for the appellants, a false F.I.R. has been lodged with the assistance of female members of the family. According to him, two of the appellants are little over sixty years of age. They have been retired from Agricultural Department of the State. They have no reason to assault the informant. A cross complaint has also been filed by Appellant No1. - Suresh herein. He would, therefore, urge for allowing the appeal.

5. Learned A.P.P. and learned counsel for Respondent No.2 – informant would submit that the F.I.R. prima facie makes out an offence under the Act. The appellants are, therefore, not entitled for relief in view of Section 18 of the Act.

6. Admittedly, there is dispute between the informant and her family on one side and the appellants on the other over an agricultural land. True, the order of injunction is in operation against the informant and her family members. The alleged offence took place over the issue as to cultivation of an agricultural land. F.I.R. has been lodged immediately after the alleged incident. The informant and her family members were referred for medical examination. Injury certificates have been placed on record to indicate them to have suffered some injuries. The appellants have been in the know that the informant and her family members belong to Scheduled Caste.

7. The F.I.R. has been recorded in the hospital. There are injury certificates. The averments in the F.I.R. prima facie made out the offence/s. In view of Section 18 of the Act, no anticipatory bail, therefore, could be granted considering the nature of offence/s. The appellants may surrender before the Trial Court. The Trial Court may endeavour to decide their application for regular bail same day. It may also grant the applicants provisional bail pending the application for regular bail, if the application could not be decided the same day.

8. In view of above, the appeal fails. Same stands dismissed.

(R.G. AVACHAT, J.)

SSD