

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Anticipatory Bail Application No. 177 of 2022

Abhijit @ Abhay S/o Gajanan Thakre and others

Versus

The State of Maharashtra, through Police Station Officer, Police Station
Sindhekhedraja, Dist. Buldhana

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.V.Amale, Advocate for the applicant.

Shri Vinod A. Thakre, APP for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 11th APRIL, 2022.

The applicants are praying for pre-arrest bail
in crime no. 24 of 2022 registered with Police Station
Sakharkheda, District Buldhana on 24th January, 2022
for the offence punishable under Sections 143, 146, 148,
149, 324, 325, 326, 294, 427 and 307 of the Indian
Penal Code.

2. The allegations made in the First
Information Report are that the accused persons
assaulted the complainant Satish Ajabrao Lahane and his

brother Pravin Ajabrao Lahane by iron rod and stump of spade.

3. Shri Amale, learned counsel for the applicants submits that there is counter First Information Report and the applicant no.1 has lodged the said report prior to the First Information Report No. 24 of 2022. It is submitted that the present First Information Report is counterblast of the complaint lodged by the applicant no.1. He, therefore, submits that the applicants have been falsely implicated in the alleged offence. He submits that the applicant no.2 is serving in the MSRTC and he was not present at the time of alleged incidents, however, out of rivalry he has been falsely implicated in the alleged offence. He further submits that applicant no.4 is 56 years old lady. She has also been falsely implicated in the alleged office.

4. Shri Thakre, learned Additional Public Prosecutor strongly opposed the present application and made the case diary available for perusal. It is submitted

that the Investigating Officer recorded the statement of witnesses during the investigation and there is sufficient incriminating material against all the applicants including the applicant no.2, who is stated to be on duty at the time of incident. He, therefore, prays for rejection of the present application.

5. I have perused the case diary and also contents of the First Information Report. The statement of the witnesses recorded by the Investigating Officer during the investigation corroborates the story of prosecution and also the witnesses have attributed the specific role of the applicants in the alleged offence. The offence is serious and in view of the fact that there is *prima facie* sufficient incriminating material available on record against the applicants, I am not inclined to grant bail to the applicant nos. 1, 2 and 3. As far as the applicant no.4 is concerned, she being lady and looking to the role attributed to her, I am of the opinion that the

applicant no.4 is entitled for grant of pre-arrest bail. In the circumstances, I pass the following order.

ORDER

i. Criminal application is rejected qua applicant no.1 Abhijit @ Abhay S/o Gajanan Thakre, applicant no.2 Mangesh S/o Gajanan Thakre and applicant no.3 Rushikesh S/o Devrao Deshmukh.

ii. Criminal application is allowed qua applicant no.4 Smt. Radhabai W/o Gajanan Thakre.

iii. The order dated 22nd March, 2022 granting ad-interim anticipatory bail is confirmed qua applicant no.4 Radhabai W/o Gajanan Thakre.

iv. Applicant no.4 Radhabai W/o Gajanan Thakre shall attend the concerned police station as and when her presence is required.

[ANIL S. KILOR, J.]

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