

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.36 OF 2023

Raosaheb Kathalu Salve
and others

.... Applicants

Versus

The State of Maharashtra
and another

.... Respondents

.....
Mr. Mahesh P. Kale, Advocate for the Applicants
Mr. S.W. Munde, APP for Respondents – State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 02nd FEBRUARY, 2023

ORDER :

1. The applicants apprehend their arrest in connection with Crime No.223 of 2022 registered with Majalgaon Rural Police Station, District Beed for offences punishable under sections 143, 147, 149, 354, 354-B, 452, 427, 327, 323, 504, 506 of the Indian Penal Code.

2. FIR is lodged by Mirabai Rathod against 10 accused persons including applicants alleging that on 09/08/2022 at about 10.30 p.m., all the applicants entered their house and asked them reason, so also asked as to why they are obstructing them in cultivation of their land at Kesapuri. The

applicants started abusing and assaulting the informant and her husband by means of fists and kicks blows, and wooden stick. Applicant Bhimrao allegedly outraged modesty of the informant by pulling her *saree*. Hearing shouts of informant and her husband, their neighbors Asha Pawar came to intervene. Applicant Sharad caught her hair and pulled her down. Applicant Baburao gave kicks blows on her stomach. Other applicants damaged the household articles. Applicant Raosaheb snatched informant's gold necklace. The applicants left the house by giving threats.

3. Heard learned advocate for the applicants and learned Additional Public Prosecutor for the State. Perused the investigation papers.

4. Earlier applicant Raosaheb Salve lodged FIR against the informant and 12 others alleging that the accused persons entered the field owned by the applicants and started raising tin shed. When the applicants tried to prevent them, the accused persons threaten them with axe and chopper. It is registered at Crime No.0221 of 2022 with Majalgaon Police Station for offences punishable under sections 143, 144, 149, 504, 506 of the Indian Penal Code and sections 3(1)(r), 3(2)

(va) and 3(1)(s) of the Scheduled Castes Schedule Tribe (Prevention of Atrocities) Act.

5. The allegations made in the FIR are not supported by medical certificates. No injuries are suffered by the witness Asha Pawar and by the husband of informant. The informant has suffered 2 abrasions on her forearms, which are simple injuries. It *prima facie* appears that there is dispute in respect of agricultural land between the informant's side and applicants' side. Possibility of false implication of the applicants to give counter blast to the FIR lodged against the informant and others cannot be ruled out.

6 The applicants were granted interim protection and they have attended the concerned police station and co-operated in the investigation. Pre-trial custodial detention of the applicants, in the facts of the present case, is not necessary.

7. In the result, the application is allowed by confirming the interim order.

7. Till filing of the charge sheet, the applicants shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane