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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.141 OF 2023

Sandip Laxman Dighe and Another

APPLICANTS

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Rahul R. Karpe, Advocate for the applicants

Mrs. R. P. Gour, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 9th FEBRUARY, 2023

ORDER :

1. Applicants apprehend their arrest in Crime No. 1045 of 2022 registered with Sangamner City Police Station, Sangamner, District – Ahmednagar for offence punishable under sections 324, 504, 506 327, 323, 143, 147, 149 of the Indian Penal Code.

2. FIR is registered on the basis of statement of Vaishali Nanasaheb Kothval, recorded in hospital. It is stated by the informant that she is serving in HHI Company at Pune and had come to her native place for M.Com examination. Her relative Pratibha Somnath Thorat and her husband Somnath Bhausaheb Thorat are having matrimonial dispute and their case is pending

in competent court. On 10th December, 2022 at about 2.45 p.m. when she was at her home, Sandip Laxman Dighe, Maruti Bhausahab Gunjal, Sachin Bhausahab Gunjal, Pratibha Somnath Gunjal came in front of her house and started saying that the informant and her mother are responsible for the dispute between Pratibha Thorat and Somnath Thorat. Pratiba assaulted the informant with stick, Sandip Dighe with iron rod and Maruti Gunjal and Sachin Gunal with sticks. At that time, Sandip Dighe pushed her mother away, who had come to intervene. In the scuffle, necklace of her mother was lost. When people residing nearby gathered in front of her house, the accused persons left the spot. The informant was unconscious. She was sent to hospital and she was being treated at Mandana Hospital, Sangamner.

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

4. Other accused persons in the present crime are released on anticipatory bail by the Sessions Court. The application of the present applicants is rejected, as serious allegations are levelled against them and recovery of gold ornaments is to be effected from them.

5. Supplementary statement of the informant was recorded on 17th December, 2022, wherein she has stated that at the time of the incident, the applicants caught her hair, Maruti Gunjal and Bhaskar Godsay caught her hands and Chhaya Gunjal and Pratibha Thorat assaulted her on face with chappal. When her mother came to intervene, applicant Sandip pushed her and threatened her. Pratibha Thorat gave blows of stick on her person. With the same stick, the applicants also assaulted the informant. While the informant was being assaulted, she received a call on her mobile and when her mother came to give the phone to her, applicant Sandip snatched the cell phone of Oppo company of the informant from her mother. When the informant asked applicant Sandip to return the mobile, he pressed her neck and snatched gold chain from her neck. Applicant Sandip assaulted her with iron rod. Other accused persons assaulted her with fists and kick blows.

6. Injury certificate reveals that the informant has suffered following injuries-

- (i) Contusion (ill defined) over both hands, forearms.
- (ii) Contusion over entire arterial portion of both thighs.
- (iii) Contusion over posterior lower thigh both side

- (iv) Contusion over left lower back
- (v) Left nostril bleed
- (vi) "L" shaped 1cm X 1 cm superficial linear abrasion over cheek.
- (vii) edema of both lips
- (viii) periorbital darkness – contusion.

7. *Prima facie*, it appears that the applicants have assaulted the informant, the injury certificate corroborates the allegations made in the FIR. The injuries suffered by the informant can be attributed to the present applicants. For effective investigation and for recovery of gold ornaments, which are yet not recovered, custody of the applicants is necessary. The application is, therefore, rejected.

[NITIN B. SURYAWANSHI]
JUDGE