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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.155 OF 2023

Shankar Gulab Jadhav

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mrs. Renuka B. Ghule – Palve, Advocate for the applicant
Mr. V. S. Badakh, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 20th FEBRUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 192 of 2022 registered with Charthana Police Station, Taluka-Jintur, District – Parbhani for offence punishable under sections 307, 452, 324, 323, 143, 147, 148 r/w 149 of the Indian Penal Code.
2. FIR is lodged by Vandana Bapurao Rathod against 8 accused persons, who are related to each other. It is alleged in the FIR that on 20th December, 2022, in the evening at about 5.00 p.m., while the informant and her husband Bapurao were at home, all the 8 accused persons came to their house. Applicant was holding iron rod and accused Gulab Rathod was holding stick. The applicant asked the informant's husband as to why

they campaigned in the Gram Panchayat elections against them and why they did not vote in favour of them and his wife Sarubai Jadhav, who was contesting election for the post of Sarpancha, could not get elected since the informant and her family members did not vote in her favour. The applicant assaulted husband of the informant with iron rod and accused Gulab assaulted him with stick and other accused persons with assaulted fists and kick bows. When the informant tried to intervene, women accused Sarubai and Meerbai manhandled her and made her fall down. They asked the applicant and Gulab Rathod to bring poisonous substance for administration to the informant. Thereafter, present applicant and Gulab Rathod forcibly administered poisonous substance to the informant.

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

4. It *prima facie* appears that the present FIR is outcome of political rivalry. Police sub Inspector of Charthana Police Station has lodged FIR against total 10 accused persons from the applicants' and informant's sides, which is registered at Crime No. 189 of 2022 for offence punishable under section 160 of the Indian Penal Code. It is alleged that all the accused persons,

named in the FIR, quarreled and scuffled in public place place.

5. The applicants' side has lodged FIR at Crime No. 193 of 2022 against 6 accused persons from the informant's side, which is registered for offence punishable under sections 326, 341, 323, 143, 147, 148, 149 and 506 of the Indian Penal Code. Applicant and three others are injured in the said crime. They all had suffered simple injuries.

6. Perusal of the papers of investigation in the FIR in question shows that Bapurao has suffered tenderness, which is simple injury. Renuka has suffered abrasion, which is also a simple injury and Balaji has suffered tenderness on back side, which again is a simple injury. Injury certificates do not corroborate the allegations made in the FIR.

7. Both the parties have lodged FIRs against each other. It appears that the same are out of political rivalry. Pre-trial custodial detention of the applicants, in the facts of the present case, is not necessary.

8. In the result, the applications are allowed. In the event of arrest of the applicants in Crime No. 192 of 2022 registered with Charthana Police Station, Taluka-Jintur, District – Parbhani for offence punishable under sections 307, 452, 324, 323, 143, 147,

148 r/w 149 of the Indian Penal Code, the applicants be released on executing Personal Bond of Rs.15,000/- each with one surety in the like amount.

9. The applicants shall attend the concerned police station everyday from 22nd to 28th February, 2023 between 10.00 a.m. and 12.00 noon and shall co-operate in the investigation. Thereafter, till filing of the charge sheet, the applicants shall attend the concerned police station as and when called by the Investigating Officer. The applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE