

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

30 ANTICIPATORY BAIL APPLICATION NO.183 OF 2023

**ASHABAI W/O. VISHWANATH MAGAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicants : Mr.Nirmal Ramchandra J.
APP for Respondent-State : Mr.K.N.Lokhande
...

CORAM : R. G. AVACHAT, J.

DATE : 13.03.2023.

PER COURT :

1. Heard.

2. The First Information Report ("FIR") has been lodged by the informant himself on 07.01.2023 in relation to the incident that took place on 31.12.2022 at 1.00 p.m. in the field of Wadgaon. It has been alleged in the FIR that the informant was ploughing his field. The co-accused Vishwanath along with his wife Ashabai (applicant No. 1), their daughter Mamta (applicant No. 2) and two sons came together. They questioned the informant as to how could he dare to cultivate the land. Co-accused Vishwanath assaulted on his head with a sickle. The son and daughter allegedly caught hold of him, while the applicant Ashabai threw Chilly powder on his face. It is further alleged that the applicant Ashabai assaulted him with sickle,

thereby he suffered injuries to his wrist and both of the thighs.

3. The learned APP relies on the injury certificate of the informant to submit that the applicant Ashabai has caused multiple injuries to the informant. He, therefore, urged for rejection of the application.

4. Reading the FIR indicates that the major role was played by the co-accused Vishwanath. It is informed that he was arrested and even released on bail. The son and daughter of Vishwanath and Ashabai are alleged to have caught hold the informant, so as to facilitate their parents to assault him. The children are taking education.

5. The learned Advocate for the applicants has every reason to contend that all the family members have been falsely implicated in the FIR. There is delay of 8 days in lodging of the FIR. Although Ashabai assaulted to the informant with sickle, the injury certificate suggest that the injuries suffered by him are simple in nature, it may therefore be said that she has committed an offence punishable under Section 324 of the Indian Penal Code.

6. Since two of the applicants are the female and other two

are taking education and there being delay of 8 days in lodging of the FIR, the Court is inclined to grant protection to them.

7. In view of the same the application is allowed. The applicants are entitled for protection. Hence, ad-interim anticipatory bail granted earlier is made absolute on following conditions :

- (i) They shall not tamper with the prosecution evidence.
- (ii) They shall appear before the Investigating Officer as and when called by him for investigation purpose.

(R. G. AVACHAT)
JUDGE

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