

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

28 ANTICIPATORY BAIL APPLICATION NO.416 OF 2023

1. Ramhari Mahadeo Waibase

2. Sakhubai w/o Ramhari Waibase ...Applicants

VERSUS

1. The State of Maharashtra

2. The Superintendent of Police ...Respondents

...

Advocate for Applicants : Mr.Kawade Shrikant G.

APP for Respondent-State : Mr.A.A.Jagatkar

...

CORAM : R. G. AVACHAT, J.

DATE : 24.04.2023.

PER COURT :

1. This is an application under Section 438 of Code of Criminal Procedure. The applicants claim to have apprehension of being arrested in connection with Crime No.77 of 2023 registered with Kaij Police Station, Dist. Beed for the offences punishable under Sections 354, 354-A, 327, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard. Perused First Information Report ("F.I.R.") and related police papers. The FIR has been lodged by a lady who is a practicing Advocate. It has been alleged therein that on the given date i.e. on 11.02.2023 by 11.30 a.m., she was about to enter the Court premises. At that time, both the applicants came together. The applicant Ramhari caught hold of her with an intention to outrage her modesty. He even snatched a file from her possession. It is further alleged that applicant Ramhari scuffled with her. His wife Sakhubai (applicant No. 2) caught hold the hand of the informant and applicant Ramhari snatched her 'Mangalsutra'. It has further been alleged that after a while, co-accused Anant Waibase and his wife Prachi Waibase arrived there and both of them abused the informant.

3. The learned APP would submit that the scene of offence panchanama indicates some black beads were found at the scene of offence. The same may reinforce the allegations in the FIR that the informant's 'Mangalsutra' was snatched and she was relieved thereof.

4. Perused the FIR on record. It indicates that all was

not well between the parties. The applicant Ramhari is the brother-in-law of the informant. The informant is practicing Advocate. It appears that a false and concocted FIR has been lodged. The record indicates that on the given date, co-accused Anant and his wife Prachi were at Thane, Mumbai. Both of them are the Medical Practitioners. The order granting them anticipatory bail has been placed on record to indicate that on the day of incident, both of them were at their work place and they had attended number of patients in Intensive Care Unit (I.C.U.) at Mumbai. These facts falsified the allegations in the F.I.R.

5. The learned APP would submit to have no instructions in this regard. Needless to mention that the factual observations in the judicial order are presumed to be correct, unless shown contrary.

6. The photographs placed on record indicate that applicant Ramhari has in fact been assaulted. He suffered grievous head injury. After the incident, a crime has been registered against the husband of informant and other eight

persons.

7. In view of the above, the order dated 24.03.2023 granting applicants protection, is hereby made absolute, on the same terms and conditions. The observations made herein-above are prima-facie nature.

(R. G. AVACHAT)
JUDGE

mahajansb/