

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

ANTICIPATORY BAIL APPLICATION NO.855 OF 2023

**CHHAMMUBAI @ CHAMKABAI W/O. PARASRAM CHAVAN AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. A. B. Ghule, Advocate for the applicants
Mr. V. S. Badakh, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 28th JUNE, 2023

P.C. :-

1. Applicants apprehend arrest in connection with Crime No. 144/2023 registered with Chandanzeera Police Station, Tal. And Dist. Jalna for the offences punishable under Sections 143, 147, 148, 149, 307, 323, 504, 506 of IPC.

2. Bhika Chavhan the informant while admitted in the hospital gave report to the police about occurrence of the incident at around 2.00 p.m. on that day. It is alleged that his brother Parasram came and abused him. Thereafter his children were called by him. They came armed with weapons. It is alleged that Vijay caused injury on his cheek with spear and others assaulted him and witnesses with fist and kick blows.

3. Learned counsel for the applicants states that there is no allegation against the present applicants of causing serious injury to the informant or the witnesses. Attention of the Court is drawn to the finding recorded by the Addl. Sessions Judge holding that no injury since to have been caused to the informant as claimed.

4. Learned APP opposed the application by relying upon the statement of informant.

5. Perusal of the first information report does not show any use of weapon by the applicant Nos. 1 and 3. It is alleged that they caused assault with fist and kick blows. As far as applicant No.2 concerned the allegations against her is not supported by any material evidence on record. The observations of the learned Addl. Sessions Judge indicates that the first information report with regard to causing of injury with spear is incorrect. In such circumstances liberty of the applicants deserves to be protected. Hence the order.

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicants in connection with Crime No. 144/2023, registered with Chandanzeera Police Station, Dist. Jalna for the offence punishable under Sections 143, 147, 148, 149, 307, 323, 504, 506 of IPC, they shall be released on bail on furnishing PR Bond of

Rs.15,000/- (Rupees Fifteen Thousand only) each with one solvent surety in the like amount.

(iii) They shall attend the concerned police station once in a week.

(iv) They shall not contact the witnesses directly or indirectly.

(v) They shall not interfere with the evidence in any manner whatsoever.

(vi) They are further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

ssp