

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.979 OF 2023

1. Shri Filip S/o Dilip Mavachi
2. Rabadibai @ Yamu Nathu Gavit
3. Smt. Fugabai Biju @ Ribika Viju Gavit ...Applicants

Versus

1. The State of Maharashtra
Through Police Inspector, Navapur,
Police Station, Tq. Navapur, Nandurbar.
2. The Superintendent of Police
Nandurbar, District- Nandurbar. ...Respondents

Mr. Nilesh Desale, Advocate for the applicants.

Mr. S.R. Yadav Lonikar, AGP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 9th AUGUST, 2023

ORDER :

1. Applicants are arrayed as accused No. 8, 9 and 10 in Crime No. 10/2023, registered with Navapur Police Station, for the offences punishable under sections 395, 452, 326, 324, 323, 504 and 506 of the Indian Penal Code.

2. Earlier application filed by the applicants was withdrawn on 22.02.2023, as this Court was not inclined to grant relief. Charge sheet is filed on 30.04.2023 against 18 accused

persons. Out of 18 accused, all the accused except the present applicants were arrested and are released on bail either by the Sessions Court or by this Court.

3. Heard the learned advocate for the applicants and learned Additional Public Prosecutor for respondents. Perused the memo of application and charge sheet.

4. Perusal of charge sheet reveals that the allegations against the applicants are that they have assaulted informant and other injured with fists and kick blows. On going through the injury certificates, prima facie these allegations are not supported by the injury certificates filed along with the charge sheet. Nothing is to be recovered from the applicants. Incident is dated 01.01.2023 and FIR is lodged on 03.01.2023. It appears that civil litigation is going on between the parties in respect of land and agreement to sale. Considering these aspects, at this stage, false implication of the applicants cannot be ruled out.

5. Since all other arrested accused are released on bail either before filing of charge sheet or after filing of charge sheet, this Court is of the view that custodial interrogation of the applicants is not necessary for the purposes of investigation. In

the result, application is allowed.

6. In the event of arrest of applicants in connection with Crime No. 10/2023, registered with Navapur Police Station, for the offences punishable under sections 395, 452, 326, 324, 323, 504 and 506 of the Indian Penal Code, applicants shall be released on executing PR Bond of Rs. 10,000/- each, with one surety each in the like amount.

7. Applicants shall not tamper the prosecution evidence and they shall not indulge in similar crime or in any criminal activity.

[NITIN B. SURYAWANSHI, J.]