

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

935 ANTICIPATORY BAIL APPLICATION NO.1080 OF 2023

1. VIJAY VENKATI PAWAR
2. VITHAL MAROTI CHAVAN
3. BABU @ GHOTURAM MAROTI CHAVAN
4. RUSTUM MAROTI CHAVAN .. Applicants

VERSUS

THE STATE OF MAHARASHTRA .. Respondent

...
Advocate for Applicants : Mr. A.R. Syed h/f. Mr. Anil U Pawar
APP for Respondent – State : Ms. R.P Gour
...

CORAM : R. M. JOSHI, J.
DATE : AUGUST 1, 2023

PER COURT :

. At the outset when this Court has shown its disinclination to grant relief to applicant no.1, learned counsel for applicants seeks withdrawal of the application to his extent. Hence, the application is dismissed as withdrawn qua applicant no.1.

2. Rest of the applicants are apprehending arrest in connection with Crime No.42 of 2023 registered with Malakoli Police Station, Tal. Loha, Dist. Nanded for the offences under Section 324,

363, 365 r/w. 34 of the Indian Penal Code. It is the contention of the first informant that his son i.e. victim was abducted by the present applicants. On the basis of his report, crime came to be registered. Later on statement of the victim was recorded from where it was revealed that he was assaulted by applicants and sustained injuries. Thus the offence punishable under Section 365 came to be made applicable subsequently.

3. Learned counsel for applicants states that the victim is son-in-law of applicant no.1. According to him, there are matrimonial disputes pending between the victim and daughter of applicant no.1. According to him, this is a case of false implication of the applicants.

4. Learned APP opposed the application by contending that the statement of the victim clearly shows that present applicant nos. 2 to 4 have participated in the assault and hence the application be rejected.

5. There is no denial of the fact that there are disputes between daughter of applicant no.1 and the victim over the

matrimonial discord. Even if allegations against the present applicants are accepted to be true, the said allegations only revealed that they allegedly assaulted victim with fists and kick blows. There is no allegation against them of using any weapon in order to cause assault on victim as alleged against applicant no. 1.

6. Having regard to these facts since nothing is to be recovered at their instance and also considering their age, their liberty deserve to be protected. Hence, following order.

ORDER

(i) The application stands allowed in terms of interim order dated 11.07.2023 to the extent of applicant nos.2 to 4 only.

[R. M. JOSHI]
JUDGE

GGP