

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

941 BAIL APPLICATION NO.1326 OF 2023

AMOL ANNASAHEB VITNOR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Ms. Sakshi Ajit Kale
APP for Respondent: Mr K.S. Patil
Advocate for complainant : Mr. K.N. Shermale

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: August 22, 2023

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PER COURT :-

1. At the outset, learned advocate appearing for the applicants, on instructions, seeks leave to withdraw this application to the extent of applicant no.2-Appasaheb Raosaheb Vitnor.

2. Leave granted. Application to the extent of applicant no.2-Appasaheb Raosaheb Vitnor is hereby dismissed as withdrawn.

3. By this application, the applicant nos.1 and 3 are seeking regular bail in connection with crime No.640 of 2023 registered with Rahuri Police Station, Tq. Rahuri, Dist. Ahmednagar for the offence punishable under sections 326, 324, 323, 427, 143, 147, 148, 149, 504, 506 of the IPC.

4. In short the allegations in the FIR is that, on 10.6.2023 at about 3 pm accused Annasaheb, Amol, Ashok, Appasaheb

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and others had assaulted the complainant and others thereby causing multiple injuries. Allegations is that, there is dispute between the complainant and family of the accused in respect of gat no.625. Accused are claiming easementary right. The dispute is now pending before the Civil Court. Civil Court has passed prohibitory orders against the accused. Flouting those orders, accused persons were raising construction of the road. The complainant and his family members obstructed such construction. Enraged by such obstructions, accused persons assaulted the complainant and his family members. Although the incident is dated 10.6.2023 FIR is lodged on 13.6.2023. Accused persons are arrested in pursuance of the registration of the said offence. Investigation is in progress.

5. Learned advocate appearing for the applicants vehemently contended that there is civil dispute between family of the complainant and the accused. Witness to the incident are family members of the complainant. Accused persons had approached the police station earlier with their complaint. However, only NC was registered. This court has enlarged some of the accused by granting ad-interim protection of pre-arrest bail by observing that the lodging of false FIR cannot be ruled out. She would further urge that there are no criminal antecedents. Applicants are behind bar for more than one month. They would abide the conditions as imposed by this court.

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6. Learned APP as well as the learned advocate appearing for the complainant strongly opposed the prayer for bail. It is specifically brought to the notice of this Court that the complainant and his family members have suffered severe injuries. Medical certificate shows that Dnyandeep and Navnath have suffered fractures. Asarabai has also suffered injuries.

Mr. Shermale learned advocate appearing for the complainant has specifically invited attention of this Court to the order of the Civil Court, by which the accused persons were prohibited from raising construction of the road. He would submit that the applicants have no respect to the law. They have flouted the injunction order and indulged in the criminal activities. He raised apprehension that in case of release of the applicants they may continue with their activities and endanger life of the complainant and their family members. He would submit that accused persons do not have any regards to the law and process.

7. Having considered the submissions advanced, it is apparent that, prima facie there is evidence to indicate that the complainant and his family members have suffered injuries on account of the assault on them. Medical evidence supports such contention. Perusal of the allegations in the FIR shows that accused Appasaheb has inflicted a blow on right hand of the complainant Navnath as well as left hand of Dnyandeep. Both of them have suffered fractures, that can be attributed to the assault by the Appasaheb. Althoguh, there are allegations

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regarding assault by the applicant no.1 Amol Annasaheb Vitnor and applicant no.3 Babasaheb Ravsaheb Vitnor, no corresponding grievous injury could be noted in the medical papers. The applicants are behind bars for more than one month. There are no criminal antecedents. Investigation for the offence is at advanced stage. Interest of the prosecution can be protected by imposing certain conditions. Therefore, case is made out for grant of bail to the applicant no.1 and 3 subject to conditions. Hence, the order.

ORDER

- i. Application to the extent of applicant no.2 Appasaheb Raosaheb Vitnor is dismissed as withdrawn.
- ii. Criminal application in respect of applicant nos.1 Amol Annasaheb Vitnor and 3-Babasaheb Ravsaheb Vitnor is allowed.
- iii. The applicant no.1 Amol Annasaheb Vitnor and 3-Babasaheb Ravsaheb Vitnor be released on bail in connection with Crime No.640 of 2023 registered with Rahuri Police Station, Tq. Rahuri, District Ahmednagar for the offence punishable under sections 326, 324, 323, 427, 143, 147, 148, 149, 504, 506 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand) each, on the following conditions :-
 - a] The applicant nos.1 and 3 shall not tamper with the prosecution evidence, in any manner.

- b] The applicant nos.1 and 3 shall attend the concerned police station once in a week i.e. on every monday between 11 am to 2 p.m.
- c] Applicant nos.1 and 3 shall not enter Taluka Rahuri except for attendance of the police station on specified time and day under this order till filing of the charge sheet.
- iv Bail application is accordingly disposed off.

(S. G. CHAPALGAONKAR, J.)

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