

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1706 OF 2022

Shobhabai Kisan Chaudhari And Others ...Applicants

Versus

The State Of Maharashtra And Another ...Respondents

Mr. N.L. Choudhari, Advocate for applicants.

Mr. A.V. Deshmukh, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 16th FEBRUARY, 2023

ORDER :

1. Applicants apprehend arrest in Crime No. 474/2022, registered with Jamner Police Station, Jalgaon, for offence under sections 328, 143, 149, 323, 504 of the Indian Penal Code.
2. FIR is lodged by Aarti Choudhari against six accused persons including the present applicants. It is alleged in the FIR that on 05.11.2022, accused persons caught hold of her and forcibly administered poisonous substance to her. Informant at that time in retaliation caused bite injury to applicant Vaishali.
3. Heard the learned advocate for the applicants and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. On 04.11.2022, applicant Vaishali lodged FIR with the same police station which is registered at Crime No. 469/2022 under sections 354, 354A, 324, 325, 323, 504, 506 read with 34 of the Indian Penal Code against informant and her family namely Harshal alias Chotu Raj Choudhari, Raju Choudhari and Ratnabai Choudhari. Perusal of injury certificate in this FIR shows that applicant Vaishali has received blunt trauma over left forearm by bite injury, self bite over right knee and bite over right side of neck. So also, applicant Janabai has received blunt trauma over left eye lid, contusion over left eye lid and abrasion and redness over eye sight. It therefore, appears that the incident as alleged in this FIR has taken place in which two applicants have received injuries.

5. Learned Additional Public Prosecutor on instructions submits that father of informant has also lodged FIR against applicants at Crime No. 470/2022 on 04.11.2022, alleging that applicants threw him in gutter.

6. FIR in question is lodged on 09.11.2022 alleging commission of offence on 05.11.2022. There appears substance in the contention of learned advocate for applicants that only so

as to give counterblast and pressurize the applicants they are implicated in false offence.

7. Considering aforesaid aspects, applicants deserve protection.

8. In the event of arrest of applicants in Crime No. 474/2022, registered with Jamner Police Station, Jalgaon, for offence under sections 328, 143, 149, 323, 504 of the Indian Penal Code, applicants shall be released on executing personal bond of Rs. 15,000/- each with one surety in the like amount.

9. Till filing of charge sheet, applicants shall attend the concerned police station on every Saturday and Sunday, between 10.00 am to 2.00 pm and shall co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]