

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

ANTICIPATORY BAIL APPLICATION NO.1715 OF 2022

**MAHADEV NARAYAN ENDOLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Mr. Rahul S. Pawar, Advocate for Applicants
Mr. A.V. Deshmukh, APP for Respondents – State
Mr. G.A. Ambildhage, Advocate for Informant
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 15th FEBRUARY, 2023

PER COURT :

1. Applicants apprehend arrest in Crime No.361/2022, registered with Muktai Nagar Police Station, District Jalgaon, for offence punishable under sections 324, 354, 354-A(2), 354-B, 143, 147, 149, 504 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Sow. Rekha w/o Samadhan Hinge alleging that on 06/11/2022, 13 accused persons, including 7 named in the FIR and 6 unknown persons, entered her field and started abusing her and her son. They started beating her son Kishor. Kishor ran away from the spot. Thereafter all the accused caught hold of her. Accused Pralhad caught her legs, accused Mahadev sat on her thighs, accused Dhananjay caught her hands and started saying that her modesty should be outraged, her clothes should be torn and no clothes should be kept on her body.

They have torn her blouse and sari. She was assaulted by stones. Since she started shouting all the accused persons left the spot. Thereafter she became unconscious and she was taken to the Government hospital at Muktai Nagar and thereafter she lodged the FIR.

3. Heard learned advocate for applicants, learned Additional Public Prosecutor for State and learned advocate for informant. Perused the investigation papers.

4. On 06/11/2022, applicant No.3 has lodged FIR at Crime No.359/2022, registered with the same police station under sections 452, 324, 323 and 504 of the Indian Penal Code, against informant, her husband and her son Kishor alleging that Kishor assaulted his son-in-law Mahadev Endole with axe. Informant gave slaps/fists and kick blows and manhandled his three daughters. Applicants were assaulted with fists and kick blows. The injury certificate of injured Mahadev Indole (applicant No.1) shows that he has suffered grievous injury on his left elbow.

5. Perusal of the investigation papers in the present crime shows that no injuries are suffered by the informant and Kishor has suffered one simple injury. There appears substance in the argument of learned advocate for applicant that with a view to

pressurize the applicants and to give counter blast to their FIR they are falsely implicated in the present crime.

6. Investigation appears to be almost complete. Applicants were granted interim protection and they have cooperated in the investigation. Nothing is to be recovered from applicants. Pre-trial custodial detention of applicants is not necessary in the facts of the present case.

7. In the result, application is allowed.

8. In the event of arrest of applicants in Crime No.361/2022, registered with Muktai Nagar Police Station, District Jalgaon, for offence punishable under sections 324, 354, 354-A(2), 354-B, 143, 147, 149, 504 r/w 34 of the Indian Penal Code, applicants be released on executing Personal Bond of Rs.15,000/- each, with one surety in the like amount. Till filing of charge-sheet, applicants shall attend concerned police station as and when called by investigating officer. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)