

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

ANTICIPATORY BAIL APPLICATION NO.1725 OF 2022

**SANTOSH S/O PRAHLAD PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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**WITH
ANTICIPATORY BAIL APPLICATION NO.1568 OF 2022**

**DASHRATH S/O PRAHLAD PAWAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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**Mr. Govind G. Suryawanshi, Advocate for Applicants in Both
Mr. V. S. Badakh, APP for Respondents – State**

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 02nd JANUARY, 2023

PER COURT :

1. Applicants apprehend arrest in Crime No.58/2022, registered with Limbgaon Police Station, Nanded, for offences punishable under Sections 452, 395, 323, 504, 506 of the Indian Penal Code and Sections 4 and 25 of the Arms Act, 1959.
2. FIR is lodged by Sanjivani Pohare on 16/04/2022 against seven accused persons including present applicants, alleging that on 14/04/2022, at 09:00 a.m. all the accused persons committed house trespass and threatened her to withdraw criminal complaint lodged by her in the year 2019, failing which they would kill her husband and two sons. She was assaulted with

fists and kick blows and the accused took away her golden ornaments. While leaving, accused came across her two sons who were returning to the house. Accused persons assaulted her both the sons on public road.

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

4. It is the case of applicants that entire village has imposed social ban on them. Applicants are cultivating five acres *Gairan* land. Since villagers of higher caste had an eye on the said land, 3,000 villagers took a meeting and attacked residential houses of *Paradhi* Community people, including applicants. In the year 2017, offences in that behalf were registered against 23 villagers including informant in the present crime. The informant was compelled by villagers to lodge false criminal complaint against applicants. Informant lodged complaint on 03/07/2019 against applicants alleging assault by the applicants on 14/06/2019. Though applicants were given police protection due to social ban of villagers, they were shown absconding. False cases were lodged against applicants wherein informant and her family members are shown as witnesses. Applicants are receiving threats of life from the villagers. Sarpanch of the village Pimpri (Mahipal), Police Patil,

Ration shop owner, President of *Tanta Mukti Samiti*, Auto Driver and others are deliberately imposed social and economical ban on the applicants.

5. Representations to the above effect were given by one of the accused Shilabai, named in the FIR. Complaint regarding social and economical ban was made by Shilabai to the Taluka Executive Magistrate and Tahsildar and request was made to take action, else the applicants will go on hunger strike. On 20/06/2019, Tahsildar called meeting of Police Inspector, Circle Officer, Talathi, Gram Sevak, Police Patil, *Tanta Mukti Samiti* President, Sarpanch, Auto Drivers and accused No.1 and others in the present crime.

6. Accused No.3 in the present crime, on 15/04/2022, lodged FIR against six accused persons including family members and relatives of the informant and villagers alleging assault by them. Accordingly Crime No.57/2022 was registered with the same police station, for offences punishable under Sections 143, 147, 148, 149, 324, 323, 504, 506 of IPC and Sections 3(1)(u) and 3(2) (va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

7. Accused No.1 appears to have complained to the police station about threats of life given by informant and other villagers and in respect of social and economical ban imposed on him by

them. In the representation, it is also stated that villagers are trying to implicate applicants and other accused persons in false cases.

8. The application is strenuously opposed by learned Additional Public Prosecutor contending that applicants Dashrath and Jocky have criminal antecedents, as Crime No.62/2019, under Sections 354, 323, 504, 506, 143, 147, 149 of IPC and Crime No.105/2020, under Sections 452, 294, 427, 506 read with 34 of IPC were registered against them. Hence, they are not entitled for discretionary relief of anticipatory bail.

9. There appears substance in the contention of applicants that due to social ban imposed on applicants and other accused persons in the present crime, they are being implicated in false cases by villagers. Applicants are not accused of committing similar offences like that of present crime. They are not hardened criminals. In the facts of the present case, possibility of false implication of applicants in the present crime cannot be ruled out at this stage.

10. Two criminal offences registered against applicants Dasharath and Jocky are already mentioned in the representation forwarded by accused No.1 to the Police Inspector of Limbgaon Police Station on 06/04/2020. In the light of these facts, applicants are entitled for protection.

11. In the result, application is allowed. In the event of arrest of applicants in Crime No.58/2022, registered with Limbgaon Police Station, Nanded, for offences punishable under Sections 452, 395, 323, 504, 506 of the Indian Penal Code and Sections 4 and 25 of the Arms Act, 1959, applicants be released on furnishing Personal Bond of Rs.15,000/- each, with one surety in the like amount. Applicants shall attend concerned police station everyday from 06th to 10th of January, 2023, between 10:00 a.m. to 12:00 noon and cooperate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)