



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

938 BAIL APPLICATION NO. 2117 OF 2023

VANITA DEVIDAS PARHAR AND ANOTHER
....Applicant

VERSUS

THE STATE OF MAHARASHTRA
.....Respondent

.....
Advocate for Applicant : Mr. P.P. More and Mr. S.A. Kale
APP for Respondents/State : Mr.S.G. Gaikwad
.....

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 13.12.2023.

PER COURT :

1. Both the applicants seek regular bail in connection with Crime No. 855 of 2023 registered with Shrigonda police station, District Ahmednagar for the offences punishable under sections 307, 323, 452, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

2. Investigation was set in motion on the basis of the information given by Shashikala Pradeep Pote, who alleged that there are some dispute between her co-sister Vanita Devidas Parhar and herself on account of land bearing Gut No.

31 and 32 situated at Kasthi so also land is situated at Bajrang Chauk. She alleged that the accused/applicant No. 1 persistently threatened her. It is further alleged that on 10.10.2023 the accused persons arrived on the spot. They raised assault against the informant and her family members. Initially, Vikas and informant were assaulted by stones. Resultantly, Vikas Tikhe suffered bleeding injury. Even the informant suffered injuries on her head and eye. It is further alleged that when Vikas was laid on the land, accused Vanita hit a stone on his head. On the basis of aforesaid information Crime No. 855 of 2023 came to be registered with police station Shrigonda against the applicants. The applicants have been arrested on 11.10.2023. Since then they are behind the bar.

3. The learned Advocate appearing for the applicants would submit that admittedly there is dispute between the informant's family and applicant No. 1 on account of agricultural land and plots. The narrations in the F.I.R. indicate that there was sudden quarrel without pre-meditation. The weapons of the offence are alleged to be stones which are usually available in the field and intention to kill cannot be gathered from the nature of the incident. He would submit that

the applicants are behind the bar for more than two months. So far as the applicant Govardhan is concerned, the allegations are omnibus in nature, without any specification regarding his role in the commission of the offence. Applicant No. 1 is a lady, therefore, their further detention would not be necessary.

4. The learned APP strongly opposed for grant of prayer of bail. He would invite attention to the medical certificates of the informant as well as Vikas Tikhe. The informant has suffered C.L.W. over eye brow and right partial temporal region of scalp along with abrasion over arm, whereas Vikas suffered fracture on tempo partial region along with contusion over mouth. He would therefore, submits that the allegations in the F.I.R. are corroborated by the medical evidence. Therefore, he urges that the applicants are not entitled for discretionary relief of bail.

5. Having considered the submissions advanced, apparently there is a civil dispute between the family of the informant and accused/applicant No. 1. The contents of the F.I.R. show that on 10.10.2023 accused persons reached the spot and there was some scuffle. The injured Vikas and, first

informant have suffered injuries because of the assault by stones. The medical record shows that Vikas has suffered fracture of sub condel and other injuries. So far as the allegations against applicants are concerned, applicant No. 1 Vanita is alleged to have hit a stone to the Vikas. Rest of the allegations are general and omnibus. So far as allegations against Govardhan are concerned there are no specific stipulations about his actual role. The applicants are behind the bar for about 2 months. From the nature of the injuries and narrations of incident, it would be difficult to draw an inference regarding an intention to cause death. Therefore, Section 307 of the I.P.C. may not attract in the facts of this case. There are no criminal antecedents at discredit of applicant. In that view of the matter, the further detention of the applicants would not be necessary. Hence a case is made out for grant of bail subject to certain conditions. Hence the following order :

O R D E R

- i. Bail Application is hereby allowed.
- ii. The applicant – 1) Vanita Devidas Parhar and 2) Govardhan Vilas Thaval be released on bail in connection with Crime No. 855 of 2023 registered with Shrigonda police station, District

Ahmednagar for the offences punishable under sections 307, 323, 452, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, on their furnishing P.B. & S.B. of Rs.50,000/- (Rs. Fifty Thousand), each on the following conditions :-

- a] The applicants shall not tamper the prosecution evidence.
- b] The applicant No. 1 Vanita Devidas Parhar shall not enter village Kashti for a period of 6 months from the date of her release.
- c] Applicants shall visit police station Shrigonda once in a week, on every Sunday in between 10.00 a.m. to 2.00 p.m., till filing of the charge-sheet in this case.
- d] Applicants shall co-operate in further investigation.

iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

mahajansb/