

1]	Shantaram Jayram Bhabad		
2]	Uday Shantaram Bhabad		
3]	Darshan Mohan Bhabad		
4]	Shubham Mohan Bhabad	...	Applicants

The State of Maharashtra ... Respondent

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DATED : 9 JANUARY 2023

P.C. :-

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The learned Counsel for the applicants seeks leave to withdraw the present application qua applicant No.2. The Application qua applicant No.2 is disposed of as withdrawn.

3. The applicant Nos.1, 3 and 4 are apprehending their arrest in Crime No. 366 of 2022 registered at Manmad Police Station for the offence punishable under Sections 307, 323, 324, 504, 506 r/w. 34 of Indian Penal Code.

4. I have heard the learned Counsel for the applicants, the learned APP for the State and the learned Counsel for the intervenor/Complainant.

5. According to the prosecution, on 13 December 2022 the present applicants assaulted the complainant and his brother Santosh by iron rod, fighter and stick. There appears to be dispute between the parties in relation to agricultural land bearing No.310/11. According to the complainant, applicant Nos.1 to 3 assaulted to his brother by stick and fighter. However, the brother of the complainant appears to have sustained only one injury that too abrasion. In view of dispute between the parties possibility of exaggeration of incident cannot be ruled out. No overt act is attributed to applicant No.4.

6. The learned APP for the Respondent-State submits that applicant No.1 is involved in two more crimes and applicant No.3 is involved in one more crime. However, considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the present applicant Nos.1, 3 and 4. In the result, the following order is passed :

- (i) Application is partly allowed.
- (ii) In the event of arrest of the applicant No.1] Shantaram Jayram Bhabad, applicant No.3] Darshan Mohan Bhabad and applicant No.4] Shubham Mohan Bhabad in Crime No. 366 of 2022 registered at Manmad Police Station for the offence punishable under Sections 307, 323, 324, 504, 506 r/w. 34 of Indian Penal Code, they shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount.
- (iii) The applicant Nos.1, 3 and 4 shall not enter into the jurisdiction of Manmad Police Station, for a period of three months from today.
- (iv) In view of the disposal of the Anticipatory Bail Application, the Interim Application stands disposed of.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
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