



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 476 OF 2023

(GAJANAN S/O PANDURANG PAGRUT AND ANOTHER VS. STATE OF MAHARASHTRA)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Ashwin Deshpande, Advocate for applicant.
Mr. Aalap Palshikar, APP for respondent State.
Mr. Niranjana Jadhav, Advocate h/f. Mrs. Sangita Jachak, APP,
Assist to prosecution

CORAM : M. W. CHANDWANI, J.

DATE : 12/10/2023

The applicants are apprehending their arrest. The applicants have filed this application for anticipatory bail in connection with Crime No. 180/2023, registered with Police Station Pimpalgaon Raja, Tahsil – Khamgaon, District – Buldhana for the offences punishable under Section 294, 323, 324, 336 and 506 of Indian Penal Code, 1860. Later on offence under Section 354-A came to be added.

2. Heard learned counsel for the applicant and learned APP for the respondent State. I have gone through the case diary. It is transpired from the case diary that there was dispute between the complainant party over boundaries of agricultural

field. On 18/06/2023, the complainant Nivrutti Shrikrishna Mandvekar came to know that the applicants were broken the boundary of agricultural field. The applicant No.2 unleashed axe blows on his hand and also assault on his neck, chest and left leg by means of axe stick when the other family members including ladies tried to intervene, they were also abused and assaulted with fists blows. The brother of the complainant was also assaulted by iron rod on his head by the applicant No.2.

3. It appears from the case diary that quarrel took place over the boundary of agricultural field, wherein both the parties sustained injuries. On 27/06/2023 an FIR also came to be lodged against the complainant and its family members about assault of fists and blows, as well as by means of spade(favda) by the complainant Nivrutti Shrikrishna Mandvekar his brother and ladies of his family, wherein the applicant No.2 sustained fracture injuries.

4. The main allegation of assault are against the applicant No.2. The role assigned to applicant No.1 was holding neck of the complainant and his brother. The applicant No.1 was protected by way of an interim order, pursuant to which he attended

concerned Court. Considering the nature of allegation against applicant No.1 a case is made out for grant of anticipatory bail.

5. So far as applicant No.2 is concerned, there are allegation of outraging the modesty of sister-in-law of the informant, rather, the assault and major role is attributed to the applicant No.2. An axe is to be recovered from the applicant No.2. Considering the nature of allegation against the applicant No.2, no case is made out for anticipatory bail.

6. Hence, application is partly allowed.

7. The application of the applicant No.1 is allowed. The order dated 21/07/2023 granting ad-interim protection in respect of applicant No.1 is confirmed.

8. The application of the applicant No.2 is rejected. The order of ad-interim protection dated 13/09/2023 in respect of applicant No.2 is vacated.

[M. W. CHANDWANI J.]