



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

Criminal Application [ABA] No.564 of 2023

Mangesh s/o Bhagwat Bhojane and others

vs.

The State of Maharashtra, through P.S.O., P.S. Khamgaon (Rural), Buldhana

with

Criminal Application [ABA] No.448 of 2023

Lalita w/o Bhimrao Sonone

vs.

The State of Maharashtra, through P.S.O., P.S. Khamgaon (Rural), Buldhana

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

Court's or Judge's Orders

Mr. Dhiraj Ailani h/f Mr. A.H. Joshi, Advocate for the Applicants.
Mr. V.A. Thakre, A.P.P. for the Non-Applicant/State.

CORAM : M.W. CHANDWANI, J.
DATE : 5th OCTOBER, 2023.

Apprehending arrest in connection with Crime No.209/2023, registered with Police Station Khamgaon (Rural), District Buldhana, for the offences punishable under Sections 307, 143, 146, 147, 148, 149, 452, 327, 354, 354-A, 324, 504 and 109 of the Indian Penal Code, the applicants have filed these applications for anticipatory bail.

02] Heard the learned Counsel for the applicants as well as the learned A.P.P. for the State.

03] I have gone through the case diary. Perusal of the case diary goes to show that on 12/06/2023 at about 05:30 p.m., when the complainant was in her house, the applicants along with other accused came there. Co-accused Sagar Sonone and Mangesh Tayde assaulted the brother-in-law of the complainant viz. Eknath Kokate.

They manhandled her husband and pelted stones and bricks by entering into the house of Eknath Kokate. They also assaulted the complainant and wife of Eknath viz. Sharda, wherein the complainant and Sharda sustained injuries. It is alleged that the main accused Sagar snatched gold chain from the son of the complainant and also manhandled with the complainant.

04] It is contended that except applicant Vishal, no other applicants have played any role. No specific role has been attributed to applicant Lalita. There are counter F.I.Rs. The main accused is already arrested. Nothing is required to be seized from the applicants. Since, the injuries are simple in nature, the applicants seek anticipatory bail.

05] *Per contra*, the learned A.P.P. vehemently objected the application on the ground that it is a case, where about 12 family members sustained injuries. According to him, though some of the accused have no special role in the crime, they were the members of unlawful assembly and, therefore, Section 149 of I.P.C. attracts. According to him, bail applications of the applicants should not be considered. He, therefore, sought rejection of the applications.

06] Perusal of the case diary reveals that applicants Vishal and Mangesh have been attributed to the specific roles. Applicant-Mangesh manhandled the complainant, whereas applicant-Vishal assaulted the complainant by kick blows. In the said incident, almost every members of a family got injured due to assault by the applicants Mangesh Bhojane and Vishal Bhojane. Considering the specific roles assigned to applicants Mangesh and Vishal, I am not inclined to exercise discretion of extraordinary relief in their favour.

07] So far as applicants Nilesh and Lalita are concerned, no role is attributed to them. Applicant Lalita is an old aged lady about 60 years. Considering the fact that no specific role has been attributed to the applicants Nilesh Sonone, and Lalita Sonone, their custodial interrogation may not be required. Therefore, a case is made out for anticipatory bail in favour these applicants. So far as other applicants are concerned, I am not inclined to exercise discretion in their favour. In the result, the following order is passed :

ORDER

- I. Criminal Application [ABA] no. 564/2023 is partly allowed. The application of applicant no. 1- Mangesh S/o. Bhagwat Bhojne and applicant no. 2- Vishal S/o. Bhimrao Bhojane are rejected. The application of applicant no. 3- Nilesh Bhimrao Sonone is allowed.
- II. Criminal Application [ABA] No.448/2023 of applicant- Lalita Sonone is allowed and the order granting *ad interim* relief to her on 18/07/2023 is hereby confirmed.
- III. Applicants Nilesh and Lalita are directed to attend the concerned Police Station as and when directed by the Investigating Officer and co-operate in the investigation.
- IV. The applications are disposed of accordingly.
- V. The observations made in this order are *prima facie* in nature to the extent of disposing of the bail applications. The Trial Court shall not get influenced by the observations made in the order.

Corrected as
per Court's
Order dated
10/10/2023.

JUDGE