

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

...

**CRIMINAL APPLICATION (ABA) NO. 780/2022**

1. Mohan Damodar Raut and others

.. Applicant/s

**versus**

The State of Maharashtra

Th. PSO PS Patur, Dist.Akola

.. Non-applicant/s

.....  
Mr.R.M.Tiwari, Advocate for the applicant/s

Mr.Nitin Rode, APP for Respondent no.1-State

Mr Maldhure, Advocate ( assist the prosecution)

.....

**CORAM:** ANIL L.PANSARE,J.

**DATED** : 4<sup>th</sup> January, 2023

**PC:**

By the present Application, the applicants are seeking anticipatory bail for the offences punishable under sections 326, 323, 324, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, registered vide Crime No. 300/2022 with Police Station Patur, Dist.Akola.

Having heard both sides at length, it appears that the applicants and informant are relatives. The informant is the wife of real brother of one of the applicants. There is a civil dispute pending between the parties since last about 20 years or so. The learned counsel for the applicants submits that a decree is in favour of the informant. However the execution thereof has been stayed. In regard to the said dispute, both the groups have lodged multiple complaints with concerned Police Stations. The applicants are facing as many as 18 cases.

The learned APP submits that the applicants have been convicted for the offences punishable u/s 143, 147, 149, 323, 337 of the IPC in Regular Cri. Case No.97/2003 by the learned Judicial Magistrate First Class, Patur. The learned counsel for the applicants, however, submits that the sentence has been suspended.

It appears from the record that the applicants are involved in criminal activities against the family of Respondent no.2. In the present case the allegation is that on 10<sup>th</sup> September, 2022 when the informant had been to the well for fetching water, at around 5.40 p.m., the applicant Damodar shouted at her and started abusing her. Listening to verbal abuse, the husband of informant approached the spot and tried to pacify applicant Damodar. However all the applicants joined together and assaulted the informant and her husband. The assault was such that the husband of the informant suffered fracture. The said assault was made by using sickle and stick, which are yet to be recovered and, therefore, custodial interrogation is required.

In view of the above and having considered the criminal antecedents and the nature of assault and since the weapons are yet to be recovered which will be important piece of evidence, the present application is liable to be rejected. In the result, the Application is rejected.

[ANIL L. PANSARE, J.]

sahare