



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1934 OF 2023

1. Rajendra Jagannath Sonavane
2. Akshay Dilipkumar Agawane
3. Rushkant Rajendra SonavaneApplicants

VERSUS

The State Of MaharashtraRespondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 41 OF 2024

1. Chandrakant Vitthal Sonwane
2. Shalan @ Manjula Chandrakant SonwaneApplicants

VERSUS

The State Of MaharashtraRespondent

Ms. Sakshi Kale h/f. Mr. Ajit Kale, Advocate for applicants.

Mrs. V.S. Chaudhari, APP for respondent.

Mr. M.B. Sandanshiv, Advocate for informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th JANUARY, 2024

ORDER :

1. Applicants apprehend arrest in Crime No. 855/2023, registered with Shrigonda Police Station, Ahmednagar, for offences punishable under Sections 143, 147, 148, 149, 307, 323, 452, 504, 506 of the Indian Penal Code.

Bhagyawant Punde

2. After arguing at length on merits, when this Court was not inclined to grant relief to applicant- Rajendra Sonavane, learned advocate for applicant on instructions seeks permission to withdraw application of Applicant- Rajendra Sonavane.

3. Permission granted. Application of Applicant- Rajenddra Sonavane is dismissed as withdrawn.

4. FIR is lodged by Shashikala Pote alleging that there is civil dispute in respect of land between informant, her sister-in-law Vanita Parhar and informant's maternal relatives. On 10.10.2023, at 3.30 pm, when she was at her home with nephew Vikas Tikhe and aunt Godabai Shete, Vanita Parhar, Rajendra Sonavane, Chandrakant Sonwane, Gowardhan Thaval, Amol Thaval, Akshay Agawane, Manjula Sonwane, son of Rajendra Sonvane and two unknown person came to their house and started saying that informant and others should be killed. Then they picked up stones lying there and started assaulting Vikas and informant on head and body. Informant and Vikas were made to fall on ground and stones were pelted on them. Due to said assault, informant has received bleeding injuries on head and eye. Though, Vikas was half dead, Vanita Parhar continued her assault with stone on him.

5. Heard learned advocate for applicants, learned APP for respondent-State and learned advocate for informant. Perused the investigation papers.

6. Admittedly, there is civil dispute between informant and accused persons. Injury certificate indicates that Vikas has suffered multiple facial fractures. FIR is lodged against eight accused persons, out of them Vanita Parhar, Gowardhan Thaval, Amol Thaval are arrested. Application of Rajendra is dismissed as withdrawn. As per spot panchnama stones and bricks used in the assault were found on the spot. General and omnibus allegations are levelled against applicants, due to civil dispute their false implication cannot be ruled out at this stage. Main accused-Vanita Parhar, Gowardhan Thaval, Amol Thaval are already arrested. Nothing is to be recovered from applicants, therefore their custodial detention is not necessary in the facts of the present case.

7. In the result, applications are allowed.

8. In the event of arrest of applicants- Akshay Dilipkumar Agawane, Rushkant Rajendra Sonavane, Chandrakant Vitthal Sonwane and Shalan @ Manjula Chandrakant Sonwane,

in connection with Crime No. 855/2023, registered with Shrigonda Police Station, Ahmednagar, for offences punishable under Sections 143, 147, 148, 149, 307, 323, 452, 504, 506 of the Indian Penal Code, they be released on executing P.B. and S.B. of Rs. 15,000/- each with one surety in the like amount.

9. Till filing of charge sheet, applicants shall attend the concerned police station as and when called by the investigation officer. Applicants shall not tamper the protection evidence.

[NITIN B. SURYAWANSHI, J.]