



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 90 OF 2024

1. Prakash Baban Pathare
2. Pravin Baban Pathare ... Applicants
VERSUS
The State Of Maharashtra
And Another ... Respondents

.....
Mr. Shriraj R. Wakale, Advocate for Applicants
Mr. N.B. Patil, APP for Respondent – State

.....
[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No. 0005 of 2023 registered with Supa Police Station, District Ahmednagar for the offence punishable under sections 307, 143, 147, 148, 149, 504, 506, 427 of the Indian Penal Code and section 4(25) of the Arms Act.
2. FIR is lodged by Pooja Haribhau @ Jitendra Mandge alleging that she was having matrimonial dispute going on with her husband Haribhau. She was staying at her maternal house along with her daughter Ishwari aged 8 years. Her husband is serving as Police Constable at Shikrapur Police Station. On 26.12.2022 at about 11.30 p.m., her husband Haribhau, his brother and brother's wife, servant and one unknown person opened the window of her house and threatened her to withdraw the cases filed by her and

threatened to kill her. She had lodged the report of the said incident on 28.12.2022 at Crime No.452 of 2022. On 06.01.2023, at about 02.30 a.m. when she and her daughter were sleeping, there was some loud noise, she and her daughter woke up. Her husband who was outside the door, threatened to eliminate her and it was last day of her life. She noticed that her husband's brother's wife, the latter's brother, their servant and close relative of her husband were there. Her husband and others were trying to break open door by throwing big stones, but the door did not break-up. Her husband and others climbed on tin roof of house and damaged it. They cut the electricity wire and also damaged the dish of TV and threw big stones through the tin sheet and tried to kill her. Her husband gave blow of sword on the door and windows. Her husband threatened her to cut her in to pieces with the said sword. While running away, she sustained injuries to her knee, hands and legs. Her husband threatened her loudly to withdraw the cases filed by her against him, otherwise he would kill her.

3. Heard learned advocate for applicants and learned APP for respondents state. Perused the investigation papers.

4. Charge-sheet in the present crime is filed on 13.04.2023 against six accused persons including applicants.

Haribhau @ Jitendra Mandge husband of informant has committed suicide on 10.03.2023 and for that offence under section 306 of the Indian Penal Code is registered against informant. It is alleged by the prosecution that at the insistence of Haribhau, applicants along with other accused committed the crime.

5. Perusal of investigation papers reveal that general allegations are levelled against applicants, nothing is to be recovered from applicants. In view of filing of charge-sheet, pre-trial custodial detention of applicants is not necessary.

6. Application is therefore allowed. In the event of arrest of the applicants Prakash Baban Pathare and Pravin Baban Pathare in connection with Crime No. 0005 of 2023 registered with Supa Police Station, District Ahmednagar for the offence punishable under sections 307, 143, 147, 148, 149, 504, 506, 427 of the Indian Penal Code and section 4(25) of the Arms Act, they be released on executing P.B. and S.B. of Rs.15,000/- each with one surety each in the like amount. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE