



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 109 OF 2024

Ashok Satwa Tandle
And Others

... Applicants

VERSUS

The State Of Maharashtra
And Another

... Respondents

.....
Ms. Amita D. Chate, Advocate for the Applicants
Mr. A.R. Kale, APP for Respondents – State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No.705 of 2023 registered with Kaij Police Station, District Beed for the offence punishable under sections 143, 147, 148, 149, 307, 324, 506 of the Indian Penal Code.

2. FIR is lodged by Nandubai Laxman Tandale alleging that on 3.012.2023 at 14.30 Hrs., while she was sitting in front of her house, Ajay Ashok Tandale, Ashok Satwa Tandale, Balaji Lamb, Shivraj Chandrabhan Lamb and Babasaheb @ Babashya Shriram Tandale came there. Ajay Tandale was holding chopper, others were holding iron rods. They assaulted informant. Ajay Tandale gave blow of chopper on her head and others assaulted with iron rods on her back, hand, waist and legs. When she raised hue and cry, her neighbours Amit Ashok Tandale and his mother Radhabai Ashok Tandale came there and tried to intervene, but they both were assaulted by accused persons with iron rods.

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

4. Learned advocate for applicants submits that this FIR is lodged with a view to give counter blast to FIR lodged by wife of applicant No.4 Babasaheb Tandale, which is registered at C.R. No.703 of 2023 for offences under sections 143, 147, 148, 149, 354, 324, 327, 323, 504 and 506 with Kaij Police Station, District Beed.

5. Learned APP has produced papers of both the crime numbers for perusal. Perused the same.

6. Perusal of injury certificates of informant, Amit Tandale and Radha Tandale show that they have not suffered any injury caused on account of assault by iron rod. In the FIR as well as in the statements of injured, assault by iron rods is attributed to applicants. Since these allegations are not supported by the injury certificates, *prima facie*, false implication of applicants cannot be ruled out at this stage. Therefore, applicants are entitled for protection.

7. Application is therefore allowed by confirming interim protection granted to applicants by order 24.01.2024.

[NITIN B. SURYAWANSHI]
JUDGE