



drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.117 OF 2024

Balu Sheshrao Dubile and Others

APPLICANTS

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....

Mr. Nilesh S. Ghanekar, Advocate for the applicants

Mr. A. R. Kale, APP for respondent - State

Mr. P. P. Giri, Advocate for informant

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 29th FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in Crime No.426 of 2023 registered with Waluj Police Station, District - Aurangabad for offence punishable under section 307, 326, 320, 324, 323, 506, 143, 147, 149 of the Indian Penal Code and 135 of the Maharashtra Police Act.

2. FIR is lodged by Ankush Bhaurao Dubile stating that he has purchased land Gut No. 71 in 2023 and accused Balu is having land in Gut No. 73, adjacent to the land of informant. Balu raised an objection to the mutation in favour of informant. Said objection was rejected. On 28th December, 2023, in the morning, son of informant Shubhan telephonically informed the informant that accused Balu and Rahul are cultivating common Bandh.

After getting said information, informant, along with his wife and son Parmeshwar, immediately rushed towards field on motorcycle. Informant tried to give understanding to accused Balu not to cultivate the bandh, however, he was not in a position to listen. After sometime Dattaray came there and demanded 7/12 extract from informant. He told the informant not to enter into the land until he gets 7/12 extract. Accused gave threat to informant. Informant and his family members were assaulted by sticks, sickle and axe.

3. Heard learned advocate for applicants and learned APP for the state, assisted by learned advocate for informant. Perused the papers of investigation.

4. After arguing at length on merits, when this Court was not inclined to grant relief to applicant No.1 Balu Sheshrao Dubile applicant No.2 – Rahul Balu Dubile and applicant No.5 Dattatray Sheshrao Dubile, learned advocate for applicants, on instructions, seeks permission to withdraw their application. Accordingly, application to the extent of applicants No.1, 2 and 5 is dismissed as withdrawn.

5. Perusal of the investigation papers and more particularly, the injury certificates of injured in the present case, show that

main assault is attributed to accused No.1, 2 and 5. Applicants No.3 and 4 alleged to have assaulted Bhimabai with sticks. Injury certificate of Bhimabai shows that she has suffered CLW on scalp (vertex region), approximately 1 X 1 cm irregular margin, which is stated to be simple injury. The sticks, allegedly used in the crime, are already recovered from the spot.

6. Applicants were granted interim protection and they have attended the concerned police station and co-operated in the investigation. Applicant No.4 – Sangita Dattatray Dubile is the Deputy Sarpanch of village Nagapur. Considering these aspects and in view of their gender and since nothing is to be recovered from them, pre-trial custodial detention of applicants No.3 – Nirmala and No.4 – Sangita is not necessary.

7. In the result, the application is partly allowed by confirming interim protection granted to applicant No.3 Nirmala Balu Dubile and applicant No. 4 Sangita Dattatray Dubile. Till filing of the charge sheet, applicant Nos. 3 and 4 shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation. Applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE