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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.162 OF 2024

Ranjana Arjun Atkare

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

WITH
ANTICIPATORY BAIL APPLICATION NO.67 OF 2024

Eknath Mahadu Garje

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

WITH
ANTICIPATORY BAIL APPLICATION NO.31 OF 2024

Sitabai Eknath Garje and Others

APPLICANTS

VERSUS

The State of Maharashtra and Another

RESPONDENTS

Mr. Sachin S. Shinde, Advocate for the applicant

Mr. N. B. Patil, APP for respondent - State

Mr. Shrinivas S. Wagh, Advocate for informant

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 2nd FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in Crime No. 1120 of 2023 registered with Newasa Police Station, District - Ahmednagar for

offence punishable under section 307, 326, 341, 452, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

2. FIR is lodged by Pralhad Garje, in short alleging that, he, his brother Dnyaneshwar and their wives were assaulted by 9 accused persons named in the FIR with chopper, sticks, axe, iron rod etc, as he has purchased the land, which accused persons wanted to purchase.

3. Heard learned advocate for applicants, learned APP for the State and learned Advocate for informant. Perused the papers of investigation papers.

4. After arguing at length, when this Court was not inclined to grant relief to applicant Eknath Mahadu Garje, learned advocate for applicants, on instructions, seeks permission to withdraw Anticipatory Bail Application No. 67 of 2024. Permission granted. Anticipatory Bail Application No. 67 of 2024 is dismissed as withdrawn.

5. Perusal of the investigation papers reveals that no injury is suffered by Rupali, wife of informant and Pradnya, his brother's wife. Though assault is alleged against almost 9 accused persons with deadly weapons, injuries suffered by informant and his brother Dnyaneshwar, *prima facie* do not indicate assault by so

many persons.

6. Some of the accused persons are already arrested and Chopper and Axe are seized.

7. Considering the gender of applicants and since applicants were granted interim protection and they have co-operated in the investigation, their custodial detention is not necessary. Therefore, Anticipatory Bail Application No. 31 of 2024 is allowed by confirming interim protection granted to them. Till filing of the charge sheet, applicants shall attend the concerned police station as and when called by the Investigating Officer. Applicants shall not tamper prosecution evidence.

8. Considering the fact that since same role, as alleged against applicants in ABA No. 31 of 2024, is attributed to applicant in ABA 162 of 2024, on the ground of parity, Anticipatory Bail Application No.162 of 2024 deserves to be allowed and the same is hereby allowed. In the event of arrest of applicant Ranjana Arjun Atkare, in Crime No. 1120 of 2023 registered with Newasa Police Station, District - Ahmednagar for offence punishable under section 307, 326, 341, 452, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, she be released on executing PB and SB of Rs.15,000/- with one surety

in the like amount. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by the Investigating Officer. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

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