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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 177 OF 2024

Dilip Sakharam Dangat

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....
Mr. Vinayak P. Narwade, Advocate for the applicant
Mr. B. M. Dhanure, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 20th MARCH, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 447 of 2023 registered with Rahuri Police Station, District - Ahmednagar for offence punishable under sections 307, 324, 354, 327, 341, 323, 504, 506, 143, 147, 149 of the Indian Penal Code.
2. FIR is lodged by Surekha, wife of applicant, on 1st May, 2023, alleging that applicant was convicted by Sessions Court, Ahmednagar in POCSO case, in the year 2018 and was sentenced to suffer imprisonment for 10 years. He is released on bail by High Court. He is not staying with informant since last 7 years. Informant is staying with her daughter Nutan and grand daughter Bhakti, aged 14 months. On 29th April, 2023, at about 1.00 p.m. applicant, Kailas Umaji Dangat, Shivaji Dangat and

Swapnil Dangat came and told informant and her daughter Nutan to withdraw cases filed by them. After the cases are withdrawn by them, applicant intended to sell the house and land to Shivaji Dangat and Kailas Dangat. When informant and her daughter tried to convince the applicant, he pressed informant's neck and threatened that if she does not withdraw the cases, she will be killed. When informant and her daughter refused to withdraw the cases, applicant started assaulting Nutan with fist and kick blows. Kailas Dangat picked up grand daughter Bhakti from Nutan's lap and threw her away. Swapnil caught hold neck of Nutan and made her fall down and tore her blouse by pulling it. When informant tried to intervene, Shivaji caught hold of her from behind and Kailas and Swapnil called Lata Dangat, Rani Dangat and Durga Dangat from their home. All the three women also assaulted informant and her daughter. Nutan was trying to record the incident on her mobile, but Durga and Rani snatched mobile phone from her and threw it away.

3. Heard learned advocate for applicant and learned APP for the State. Perused the papers of investigation.

4. It appears that civil disputes were going on between informant and applicant, informant had filed suit for partition against applicant.

5. It appears that informant and her daughter Nutan both are murdered on 15th August, 2023, by Sagar – Nutan's husband. Crime No. 907 of 2023 for offence punishable under section 302 of the Indian Penal Code is registered against Sagar for committing murder of informant and Nutan. Sagar, son in law of present applicant has also committed suicide and applicant has conducted funeral of informant, Nutan and his son in law.

6. Considering these aspects and the injury certificate, which shows superficial abrasion on left arm and blunt trauma on back which are stated to be simple injuries, it is *prima facie*, doubtful whether section 307 of the Indian Penal Code is attracted to the facts of the present case. Nothing is to be recovered from applicant. Offence is registered on 1st May, 2023 and investigation appears to be almost complete. Applicant's pretrial custodial detention is, therefore, not necessary.

7. Hence, the following order-

ORDER

- A. Anticipatory Bail Application is allowed.
- B. In the event of arrest of applicant - Dilip Sakharam Dangat in Crime No. 447 of 2023 registered with Rahuri Police Station, District – Ahmednagar, applicant be released on

executing Personal Bond and Surety Bond of Rs.15,000/- with one surety in the like amount. Applicant shall attend the concerned police station as and when called by the Investigating Officer.

**[NITIN B. SURYAWANSHI]
JUDGE**

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