



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 290 OF 2024

Baban Ajit Karhe And Others

....Applicants

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....

Mr. Rahul R. Karpe, Advocate for Applicants.

Mr. S.R. Yadav Lonikar, APP for Respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 26th MARCH, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 1237 of 2023, registered with Parner Police Station, Dist. Ahmednagar, for offences punishable under sections 327, 504, 506 r/w 34 of Indian Penal Code.

2. FIR is lodged by Manju Tumbare alleging that applicants land is adjacent to informant's land. They have near about 53 acre land. Due to loan, they have sold 40 acres land to Vaibhav Vasant Chede and eight others. Remaining 12 acres land is in their possession. The land which was sold was purchased 12 years back from applicant No. 1 Baban Karhe, applicant No. 2, Mahesh Karhe, applicant No. 3 Santosh Karhe, applicant No. 4

Bhagyawant Punde

Kalu Karhe. Applicants land gut No. 1120/2 is adjacent to land of informant. Applicants used to say that the land which was sold and the land which is remaining belongs to them. On 21.12.2023, in the afternoon at about 3 pm, when she along with her husband Arvind Tumbare and laborers were working in the field, applicants came there. They started abusing and threatening them. Mahesh gave a blow of helmet on the head of her husband. Baban, Santosh and Kalu assaulted him with fists and kick blows. She was shooting the incident on her mobile. On seeing her, Baban snatched mobile phone from her. Santosh broke her *mangalsutra* and kept it in his pocket. The laborers and persons going from the road, stopped their vehicle and intervened. In the assault, she lost her mobile and *mangalsutra* worth Rs. 18,000/-.

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

4. After arguing at length on merits, when this Court was not inclined to grant relief to Applicant No. 2-Mahesh Karhe, learned advocate for applicants on instructions seeks permission to withdraw application of applicant No. 2. Permission granted. Application of Applicant No. 2- Mahesh Karhe is dismissed as

withdrawn.

5. Admittedly, there is dispute on account of land between applicants and informant. Applicant No. 1 is a member of Village Panchayat and admittedly, applicants land is adjacent to the land of informant. Role of assault by helmet is attributed to Mahesh. So far as applicant No. 1 is concerned it is alleged that he snatched cell phone of informant and applicant Santosh has snatched *mangalsutra*. From the allegations in the FIR and papers of investigation, over implication of applicants appears to there. There appears substance in the contention of applicants that due to previous land dispute, applicants are falsely implicated in the present crime.

6. Applicants have no criminal antecedents. Therefore, allegations of snatching cell phone and *mangalsutra* are *prima facie* unbelievable. Applicants are therefore entitled for protection. However, applicants are required to attend the concerned police station to co-operate in the investigation.

7. In the result, application is allowed.

8. In the event of arrest of applicants- Baban Ajit Karhe, Santosh Rambhau Karhe and Soma alias Kalu Sitaram

Bhagyawant Punde

Karhe, in connection with Crime No. 1237 of 2023, registered with Parner Police Station, Dist. Ahmednagar, for offences punishable under sections 327, 504, 506 r/w 34 of Indian Penal Code, they be released on executing Personal Bond and Surety Bond of Rs. 15,000/- each with one surety in the like amount.

9. Applicants shall attend the concerned police station from 29th March, 2024 to 5th April, 2024, everyday, between 10.00 am to 12.00 noon, and shall co-operate in the investigation. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]