



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 ANTICIPATORY BAIL APPLICATION NO. 944 OF 2024

1. Nagesh Rustum Pawar
 2. Satish Rustum Pawar
 3. Gangadhar Rustum Pawar
- ...Applicants

versus

1. The Superintendent of Police, Beed
 2. The Police Inspector,
Peth Beed police station
- ...Respondents

...

Advocate for Applicants : Mr. Solanke Krushna S.
APP for Respondents: Mr. S.R. Wakale

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CORAM : SHIVKUMAR DIGE, J.
DATED : 8th JULY, 2024.

PER COURT :-

1. The applicants apprehend arrest in connection with crime No.55 of 2024 registered with Peth-Beed Police station, district Beed, for the offence punishable under sections 307, 324, 323, 504, 506, 336, 143, 147, 148, 149 of I.P.C. and under section 4/25 of Arms Act.

2. It is the prosecution's case that on 14.3.2024 at about 7.30 to 8.00 a.m. when the informant had gone alongwith his brother and other acquaintance on his plot, he saw that applicant No.1 had erected a shed on it. The informant asked applicant No.1 to remove the said shed as he is the owner of the land. Then, the informant and his wife tried to remove the said shed at that time the applicants

assaulted the informant with stone on his head but he dodged it and they gave a blow on nose and forehead of the informant. Applicant No.2 pressed the neck of the wife of the informant with intention to kill her. It is alleged that applicant No.3 assaulted with iron pipe. The complaint was lodged against all accused persons.

3. It is the contention of the learned counsel for the applicants that there is two days delay in lodging the F.I.R. Learned counsel further submitted that the applicant No.1 has filed complaint against the informant on 15.3.2024 under Section 307 and other relevant sections of I.P.C. and to counter the same, the present complaint is filed on the next day. Learned counsel further submitted that the injuries suffered by the first informant are simple in nature. The dispute in respect of land is going on between the applicants and the informant hence the applicants have been falsely implicated in this case. The custodial interrogation of the applicants is not required. Hence he requested to allow the application.

4. It is the contention of the learned APP that the applicants had assaulted the first informant and his wife with intention to kill them. The applicants also assaulted the first informant with sword. The injury certificate supports the contention of the first informant. The custodial interrogation of the applicants is required to recover the

weapons used in the crime. Hence he requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. There is two days delay in filing the F.I.R. The police papers produced on record show that the applicant No.1 has filed complaint against the first informant under Section 307 and other relevant Sections of I.P.C. Thereafter on the next day, the first informant has filed complaint against the applicants. The injury certificate produced on record shows the nature of the injuries sustained by the first informant and his wife are simple in nature. Considering these facts, the custodial interrogation of the applicants is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant No.1 in connection with crime No.55 of 2024 registered with Peth-Beed Police station, district Beed, for the offence punishable under sections 307, 324, 323, 504, 506, 336, 143, 147, 148, 149 of I.P.C. and under section 4/25 of Arms Act, he be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount.

III) The interim anticipatory bail granted to applicant Nos. 2 and 3 by order dated 12.6.2024 stands confirmed on the same terms and conditions with following modifications:-

- (a) All the applicants shall attend the concerned police station as and when required by the Investigating Officer.
- (b) The applicants shall not enter at the place referred in this crime till filing of the charge sheet.

(SHIVKUMAR DIGE, J.)

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