



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1322 OF 2023

Mayur Kalidas Vhatkar And Other

....Applicants

VERSUS

The State Of Maharashtra

.....Respondent

.....
Mr. A.H. Dhupe, Advocate for applicants.

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

.....
[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 19th MARCH, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 201 of 2023, registered with Osmanabad Rural Police Station, Dist. Osmanabad, for offences punishable under sections 354, 324, 327, 323, 143, 147, 148, 149 of Indian Penal Code.

2. FIR is lodged by Laxmi Waghmare alleging that on 16.07.2023 at about 11.30 am to 12.00 noon in land Gat No. 720 and 721 accused entered with tractor for cultivation. She has obstructed them as said land belongs to her landlord. At that time, applicants/accused made her fall on the ground and accused Mayur outraged her modesty by tearing her blouse. Accused Swapnil assaulted her husband by means of iron rod and forcibly taken away Rs. 5,000/- from him. Somebody has

Bhagyawant Punde

snatched three gram Mangalsutra from her neck.

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

4. It is the case of applicants that land Gut Nos. 720 and 721 stand in the name of Vilas Vhatkar and Trimbak Vhatkar and Meghraj Padwal and Shubhangi Padwal have no concern with the said land. Therefore, informant had no occasion to obstruct applicants in cultivating said lands. It is further contended that applicant No. 2 has lodged FIR against Suraj Padwal, his labour (husband of informant), Pratap Padwal and 8 to 10 unknown persons, which is registered at C.R. No. 200/2023, under section 323, 324, 504, 506, 143, 147, 148 of IPC and under section 3(1) (r) and 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, wherein it is alleged that Suraj Padwal assaulted applicant No. 2 with iron pipe on leg and with iron bracelet (kada) above left eye and ear. In this crime, charge sheet is already filed. It is therefore contended that with a view to give counter blast, applicants have falsely implicated in the present crime.

5. Perusal of investigation papers shows that husband of informant has suffered contusion to thumb and blunt trauma

over back, which are simple injuries.

6. There appears substance in the contention of applicants that informant and her husband had no occasion to enter land Gut Nos. 720 and 721 and obstruct applicants in cultivating said lands. Dispute before Revenue Authority is going on between Swapnil Vhatkar and others vs. Shubhangi Padwal, employer of informant. Therefore, *prima facie*, possibility of false implication of applicants in the present crime at the instance of employer of informant's husband cannot be ruled out at this stage.

7. Considering the disputes going on between the parties and FIR registered at the instance of applicant No. 2 and more particularly considering the injury certificate, applicants custodial detention is not necessary.

8. Application is therefore allowed by confirming interim protection order dated 18th August, 2023.

9. Till filing of charge sheet, applicants shall attend the concerned police station as and when called by investigating officer. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]

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