



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1372 OF 2023

1. Suman Devidas Ghitre
 2. Mirabai @ Birabai Eknath Ghitre
 3. Varsha Eknath Ghitre
- ... Applicants

VERSUS

The State Of Maharashtra
And Another

... Respondents

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Mr. Rajendrraa S. Deshmukkh, Senior Advocate a/w
Yugandhara A. Namade, i/b Mr. Devang R. Deshmukh,
Advocate for the Applicants
Mr. S.B. Jadhav, APP for Respondents – State
Ms. Siddhi Kothari h/f Mr. S.G. Ladda, Advocate for Informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 06th FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No.193 of 2023 registered with Shillegaon Police Station, District Aurangabad for offence punishable under sections 302, 307, 326, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

2. FIR is lodged by Parmeshwar Sheknath Ghitre alleging that at about 5.00 p.m., Yashwant Devidas Ghitre, Gangadhar Fakirrao Ghitre, Eknath Fakirrao Ghitre and Suman

Devidas Ghitre, Birabai and Varsha assaulted informant and his uncle Bhikchand Khanduji Ghitre, while they were carrying out measurement of their agricultural land through Court and putting iron angles as boundary marks. In the said assault, Bhanudas Fakirrao Ghitre and Eknath Ghitre assaulted on the head of informant with iron angle. Gangadhar Ghitre and Yashwant Ghitre also assaulted with stone and iron angle, Devidas Ghitre, Gangaram Ghitre, Suman Ghitre, Birabai and Varsha Ghitre assaulted with *bamboo* stick and stone. Initially, offence is registered under sections 326, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code. Thereafter, during the treatment Bhikchand Ghitre expired. After filing of charge-sheet, sections 307 and 302 of the Indian Penal Code are added.

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

4. Learned advocate for informant has contended that applicants have threatened informant and therefore NC was registered against applicants. This apprehension can be taken care of by imposing suitable conditions.

5. Charge-sheet is filed in the present case on 25.09.2023 and the accused Bhanudas Ghitre, Yashwant Ghitre, Devidas Ghitre and Eknath Ghitre were arrested and Gangadhar Ghitre is released on regular bail by this Court. Perusal of investigation papers, particularly injury certificate of informant and P.M. notes of deceased *prima facie* do not support the allegations made against applicants. There are no corresponding injuries, which were allegedly caused by the present applicants to informant or deceased.

6. Since charge-sheet is filed in the present crime and applicants were granted interim protection and they have co-operated in the investigation and considering the gender of applicants, their pre-trial custodial detention is not necessary as weapons allegedly used in crime are already recovered.

7. The application is therefore allowed by confirming interim protection granted to applicant by order dated 23.08.2023.

8. Applicants shall not, in any manner try to contact and/or influence the prosecution witnesses.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane