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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1542 OF 2023

Dhananjay Shriram Thorat and Another

APPLICANTS

VERSUS

The State of Maharashtra

RESPONDENT

.....
Mr. V. D. Salunke, Advocate for the applicants
Mr. S. B. Jadhav, APP for respondent - State
Mr. Y. C. Patil, Advocate for informant
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 1st MARCH, 2024

ORDER :

1. Applicants apprehend arrest in Crime No. 259 of 2023, registered with Dharur Police Station, District - Beed for offence punishable under sections 307, 324, 506 read with 34 of the Indian Penal Code.
2. FIR is lodged by Pradip Thorat alleging that on 16th August, 2023, informant, along with his brother, had gone to land Gut No.123 to sprinkle insecticide on soybean crop. At that time, applicants came there on tractor and asked informant to withdraw cases lodged by him against them, otherwise they will be killed. Informant replied that since applicants have assaulted

them, they will not withdraw the cases. Applicants drove tractor over the right foot of informant. Thereafter, applicant No. 2 Saurabh alighted from tractor and assaulted brother of informant with sticks on head, eye and hand. Then both the applicants assaulted informant with sticks on head, shoulder, back and both thighs. Persons working in the field intervened in the quarrel and separated informant and applicants.

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

4. Applicants claim that applicant No.1 Dhananjay lodged FIR on 17th August, 2023 against accused No.1 Pradip Thorat, accused No.2 - Prashant Thorat, accused No.3 - Bhaskar Thorat, accused No.4 - Mukta Thorat and accused No. 5 - Mira Thorat stating that on 16th August, 2023, at about 11.00 a.m. when informant Dhananjay and his son Saurabh were coming from agricultural land known as "*Boriche Shet*", all the accused persons told them that they should not take tractor from that land and the said land and road belong to them. Then they assaulted Dhananjay and his son Saurabh with sticks and stones and caused bleeding head injury to Saurabh. In the said assault, his left hand little finger is fractured. Dhananjay was assaulted

with sticks, stones, fists and kick blows. Abuses were given to them so also threats that their tractor will be burnt down and their entire family will be implicated in a police case and they will be killed. Neighbouring agriculturists came there and rescued them from accused persons.

5. FIR lodged by applicants at Crime No. 258 of 2023 is registered on 17th August, 2023 at 00.00 hours and FIR lodged by informant is registered at Crime No. 259 of 2023 on 17th August, 2023 at 20.19 hours.

6. In the present crime, perusal of investigation papers shows that Prashant Thorat has suffered following injuries.

- i. Laceration on head of 5 X 1 X 1 cm (simple)
- ii. Blunt Trauma on chest (simple)

7. Pradip Thorat has suffered following injuries

- i. Blunt trauma on head, chest, right hand and abdomen (simple)
- ii. Blunt trauma on lower limb (grievous)
- iii. Fracture on right leg.

8. Considering the nature of injuries, *prima facie*, section 307 of the Indian Penal Code is not attracted.

9. There appears to be scuffle between both the parties, in which persons from both the sides have received injuries. Tractor and two sticks allegedly used for assault in the present crime are seized, so also clothes of applicants. It is informed that informant and other accused in Crime No. 258 of 2023 are already on bail. Present crime is registered in the month of August, 2023 and investigation appears to be almost complete. Considering these facts, pre-trial custodial detention of applicants is not necessary, as nothing is to be recovered from applicants. Application is, therefore, allowed by confirming the interim protection granted to applicants. Till filing of charge sheet, applicants shall attend the concerned police station on every alternate day between 5 and 6 p.m. Applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE