



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1659 OF 2023

PUSHPA MAHADEO MAHANWAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Ankush N. Nagargoje, Advocate for Applicants
Ms. V.S. Chaudhari, APP for Respondent – State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 23rd JANUARY, 2024

PER COURT :

1. Applicants apprehend arrest in Crime No.390/2023, registered with Jamkhed Police Station, Ahmednagar, for offence punishable under Sections 307, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code.

2. FIR is lodged by Bhagwat Digambar Mahanwar alleging that, on 20/08/2023 at about 06:30 p.m. after hearing loud noise of his brother Sanjay and wife Uma, rushed to their house along with wife Ramkuwar and son Shashikant. He found Jalindar, Dipak, Mahadev, Shridhar, Pushpa and Alka assaulting Sanjay and Uma by axe, stick and iron rod. He saw two to three tins of his tin shade were scattered. When Bhagwat went to rescue his brother, Jalindar, Dipak, Mahadev assaulted him by stick. Dipak gave axe blow on Ramkuwar, Pushpa gave stick blow to Ramkuwar and Shashikant. Alka had thrown chilly powder in the eyes of Sanjay. Vishal and

Shridhar assaulted by iron rod to Bhagwat, Sanjay and Ramkuwar. They sustained grievous injuries and were shifted to the hospital.

3. Heard learned advocate for applicants and learned Additional Public Prosecutor for State. Perused the investigation papers.

4. It appears that informant is having dispute about agricultural land with Jalindar, Dipak, Mahadev and Shridhar, which is pending in the Civil Court, Jamkhed and the Court has given injunction against them. Perusal of injury certificate *prima facie* does not substantiate the active participation of applicants in the alleged offence. There are no corresponding injuries suffered by injured persons, as is alleged in the FIR. Main accused persons were arrested and are released on regular bail. Applicants being women are entitled for protection.

5. Application is, therefore, allowed by confirming interim protection granted to applicants by order dated 12th October, 2023,

(NITIN B. SURYAWANSHI, J.)