



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1858 OF 2023

Sandip Gangadhar Jadhav & Others

....Applicants

VERSUS

The State Of Maharashtra

.....Respondent

.....

Mr. A.B. Kale, Advocate for Applicants.

Mr. N.B. Patil, APP for Respondent-State.

Mr. K.V. Patil, Advocate for informant/Assist to PP.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 16th JANUARY, 2024

ORDER :

1. Applicants are apprehending arrest in Crime No. 416/2023, registered with Ausa Police Station, Latur, for the offences punishable under sections 307, 341, 324, 327, 323, 504, 506, 427, 143, 147, 148, 149 of the Indian Penal Code.

2. FIR is lodged by Smt. Sukumarbai Salunke alleging that there is dispute between her sister-in-law and Accused No. 1- Adinath in respect of plot at Yakatpur Road, Ausa. On 04.10.2023, at about 1.15 pm, when informant was at her home she came to know that Accused No. 1- Adinath, his son Pandurang along with many persons caused damage to the tin

shade to the extent of Rs. 50,000/- and inflicted *koyta* blow on the head of Bharatbai Girjappa @ Babruwan Bhagwan Gore and injured her. Accused No. 2- Pandurang inflicted knife blow on right shoulder of Shivshankar, due to which he suffered serious injury. Informant along with other relatives therefore reached to the spot and lifted injured and took them to Police Station, Ausa. Thereafter, injured took treatment in primary health center, Ausa. Thereafter they were referred to Civil Hospital, Latur. While carrying injured to Civil Hospital, Latur, at about 8.00 pm, Accused No. 1 came there and obstructed vehicle of informant. Accused No. 2- Pandurang along his brother-in-law came there on motorcycle and Accused No. 4 Virappan @ Virnath, Accused No. 5 Sandip and son-in-law of Adinath came there on another motorcycle. They suddenly attacked them with knife, stone, iron rod and hammer.

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

4. Admittedly, there is dispute in respect of plot, going on between informant and Accused No. 1- Adinath. Role attributed to applicants is that applicants- Anil, Sandip abused

and assaulted with iron rod to Babruwan Salunke. Applicant-Virnath assaulted Somnath with hammer on back. There are no injury certificates of Somnath and Babruwan in the investigation papers. *Prima facie*, false implication of applicants cannot be ruled out at this stage. Custodial interrogation of applicants is therefore not necessary in the facts of the present case.

5. In the result, application is allowed by confirming the interim protection order dated 06.11.2023.

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

[NITIN B. SURYAWANSHI, J.]