



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

ANTICIPATORY BAIL APPLICATION NO. 1929 OF 2023

SANTOSH BAPURAO GUJAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Swapnil S. Rathi, Advocate for Applicant
Mr. S.R. Yadav Lonikar, APP for Respondent No.1/State
Mr. G.R. Syed, Advocate for Respondent No.2
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 15th APRIL, 2024

PER COURT :

1. Applicants apprehend arrest in C.R. No.431/2023, registered with Nanalpeth Police Station, Dist. Parbhani, for offence punishable under Sections 354, 323, 506 r/w 34 of the Indian Penal Code and Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. FIR is lodged by informant, a married woman, while taking treatment at Government Hospital, Parbhani, stating that on 16/10/2023 at about 11:30 p.m. she and her two daughters were present in the house. At that time, some one knocked door and when she opened the door, she saw applicants present outside. When she asked them as to how they have come there, they replied that they are king of night and they do not need any reason to come. Thereafter, with ill-intention they improperly touched, pushed and dragged her minor daughter and outraged her modesty. When

informant tried to intervene, she was assaulted by fists and kick blows. At that time, accused Matin gave blow of handle of knife on her forehead. Neighbours Gangotri Maroti Pawar, Rekha Ganesh Ugale and others intervened and saved them from assault.

3. Heard learned advocate for applicants, learned APP for respondent No.1/State and learned advocate for respondent No.2. Perused the investigation papers.

4. It is the case of applicants that applicant Nos.1 and 3 have entered into an agreement to sale the property in which informant is residing as tenant with Vijay Babasaheb Wakle. Applicant No.2 has signed said agreement as witness. The said property is dissolved to daughter of Vijay Wakle due to death of his wife and by taking permission of the competent Court under the Guardians and Wards Act, 1890, he is selling said property. On 25/11/2021, Vijay Wakle has filed complaint with the Superintendent of Police, Parbhani, that his relatives Minakshi Shankar Wakle, Disha Gauri Jaiswal, Lakshmi Dilip Musale and Kiran Santosh Fale are trying to implicate him in false offence. According to applicants, since they have entered into agreement to sale with Vijay Wakle, false FIR is lodged against them.

5. Learned advocate for informant submits that applicant No.1 has criminal antecedents. Learned APP also opposed the

application by placing on record papers of investigation.

6. Perusal of FIR and investigation papers as well as the documents placed on record by applicants reveal that *prima facie* there is a substance in contention of applicants that as they have entered into agreement to sale with Vijay Wakle, they are falsely implicated in present crime.

7. Be that as it may. Since there are specific allegations against applicant No.3 Shaikh Matin Shaikh Shafiq, that he has assaulted informant with the handle of knife on forehead and injury certificate supports the said allegation, when this Court expressed disinclination to grant relief to applicant No.3, learned advocate for applicants, on instructions, seeks permission to withdraw his application. Permission granted. Application of applicant No.3 Shaikh Matin Shaikh Shafiq is dismissed of as withdrawn.

8. Taking into consideration the allegations made in the FIR and considering the dispute between informant and Vijay Wakle and as applicant No.1 along with applicant No.3 has entered into agreement to sale with Vijay Wakle, at this stage, over implication of applicant Nos.1 and 2 cannot be ruled out. Nothing is to be recovered from applicant Nos.1 and 2.

9. Hence, application of applicant No.1 Santosh Bapurao Gujar and applicant No.2 Prabhakar Maroti Shinde is allowed by

confirming interim protection granted to them by order dated 10/11/2023.

10. Applicant Nos.1 and 2 shall attend concerned police station as and when called by the investigating officer and shall co-operate in the investigation. Applicants shall not tamper prosecution evidence and shall not enter the area where informant resides.

(NITIN B. SURYAWANSHI, J.)