



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

ANTICIPATORY BAIL APPLICATION NO. 1982 OF 2023

DNYANESHWAR LIMBAJI SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Dnyaneshwar B. Pokale, Advocate for Applicant

Mr. Mr. S.D. Ghayal, APP for Respondents – State

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 25th JANUARY, 2024

PER COURT :

1. Applicant apprehends arrest in Crime No.93/2023, registered with Pimpalner Police Station, Beed, for offence punishable under Sections 143, 312, 313, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Sarika Sambhaji Shinde alleging that on 14/05/2023 at about 06:30 p.m., her husband Sambhaji brought tractor from the road. Accused Uddhav Keshav Shinde and Dnyaneshwar Limbaji Shinde started assaulting him as he brought tractor from the said road. When she went to intervene in the quarrel, co-accused Kashibai, Sumanbai and Lilawati came there and questioned as to why informant and her husband are using their road. Then, Uddhav and Dnyaneshwar assaulted informant and her husband by fists and kick blows. At that time, informant was two months pregnant and because of assault she and her husband fell

on the ground. At that time her brother-in-law Tanaji Shinde and father-in-law Shivaji Shinde and cousin father-in-law Arun Shinde intervened in quarrel. Due to assault she started having pains in the stomach. She was then taken to Pimpalner Police Station, Beed, wherein she was given letter for the purpose of treatment and then, she went to Government Hospital, Beed. She was admitted there. During the course of treatment it was revealed that she has suffered abortion. Doctor thereafter performed curatine and discharged her on 24/05/2023. She, therefore, lodged FIR against accused persons.

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

4. Accused Uddhav, Kashibai, Sumanbai and Lilawati are granted anticipatory bail by trial Court. Application of present applicant is rejected on the ground that he has initiated alleged quarrel and he is young person of the family and he has actively participated in the alleged crime.

5. Perusal of investigation papers reveal that there is dispute between applicant and informant's side about right of way. Alleged incident is of 14/05/2023 and the same is reported on 25/05/2023. Perusal of injury certificate of informant shows that Doctor has not found any visible injury. It is mentioned in injury

certificate that “physical assault may or may not be the cause of abortion. Pregnancy was of 7 weeks and 3 days as per USG done on 18/05/2023. Patient has suffered spontaneous incomplete abortion on 22/03/2023 and curatine was done for the same on 23/05/2023. Patient was discharged on 24/05/2023.” Patient was admitted in Ward No.3 on 17/05/2023, on the request of patient and on the basis of history given MLC was done on 20/05/2023.

6. Omnibus allegations are leveled against all accused persons that they have assaulted informant and her husband. Considering opinion of Doctor in injury certificate that assault may or may not be the cause of abortion, *prima facie* participation of applicant in the alleged offence appears doubtful.

7. Possibility cannot be ruled out that due to dispute of way, applicant is falsely implicated in present crime. Nothing is to be recovered from applicant. Investigation appears to be on the verge of completion.

8. Application is, therefore allowed by confirming interim protection granted to applicant vide order dated 04th December, 2023.

(NITIN B. SURYAWANSHI, J.)