



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1987 OF 2023

Madhukar Vasant Jadhav And Others

....Applicants

VERSUS

The State Of Maharashtra

.....Respondents

.....
Mr. P.D. Bachate h/f. Mr. A.D. Khot, Advocate for Applicants.
Mr. S.R. Yadav Lonikar, APP for Respondent.
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 19th MARCH, 2024

ORDER :

1. Applicants apprehend arrest in C.R No. 204 of 2023, registered with Himayatnagar Police Station, Dist. Nanded, for offences punishable under sections 307, 452, 327, 354, 143, 147, 148, 149, 427, 504 and 506 of Indian Penal Code.

2. FIR is lodged by Ashvini Ambadas Adde alleging that her mother-in-law Savitribai is Sarpanch of Balirampur Tanda. About 15 to 20 days prior to filing of report, her father-in-law had quarrel with accused Sujit and Vishal on account of installation of light poles in the village. It is further alleged that in afternoon of 07.10.2023 accused persons arrived at her home, they threatened to kill her mother-in-law and hurled abuses.

Bhagyawant Punde

Accused Vishal Rathod assaulted by iron rod on the head of her mother-in-law, due to which she suffered multiple injuries. It is further alleged that accused Sujit hit on informant's nose thereby causing bleeding injury. Further accused persons snatched cash and gold ornaments and fled away.

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

4. There appears substance in the contention of applicants that they are entitled for bail on the ground of parity. Main allegations of assault are made against accused Sujit Rathod, who is granted anticipatory bail by this Court vide order dated 12.11.2023. In the said order it is observed:

"5. Having considered the submissions advanced it is apparent that the present applicant had filed a complaint against the informant and her family members and on account of which offence came to be registered on 18.09.2023. The mother-in-law of the informant/Savitribai is one of the accused. The medical evidence on record shows that Savitribai has suffered injuries, however, all the injuries are simple in nature. This Court observed in Anticipatory Bail Application No. 1837 of 2023 that inconsistency is seen in the statements of informant and her mother-in-law recorded under Section 164 of the Code of Criminal Procedure and further observed that there is possibility of over implication. Considering the medical evidence and

the allegations in the F.I.R., over implication can apparently observed. The applicant has been arrested on 25.10.2023. He was remanded to police custody. The major part of the investigation is over. Considering the nature of the allegations and the injuries suffered by Savitribai. Prima-facie it is difficult to hold that Section 307 of the I.P.C. would attract against the applicant in the facts of this case. The learned A.P.P. confirms that there are no criminal antecedents.”

5. Co-accused Vishal Rathod is released on regular bail by this Court vide order dated 13.12.2023. Taking into consideration the allegations made in the FIR, there is no specific overt act attributed to applicants. As is observed in the above quoted order, possibility of over implication of applicants cannot be ruled out at this stage, due to the previous dispute.

6. Nothing is to be recovered from applicants. FIR is lodged on 07.10.2023 and investigation appears to be on the verge of completion. Therefore, pre-trial custodial detention of applicants is not necessary.

7. In the result, application is allowed by confirming interim protection order dated 5th December, 2023.

8. Till filing of charge sheet, applicants shall attend the

concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]