



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2005 OF 2023

Nivrutti Bhagwan Andhale

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....

Mr. S.V. Mundhe, Advocate for Applicant.

Mr. S.B. Jadhav, APP for Respondents-State.

Mr. D.R. Shelke, Advocate for informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 04th MARCH, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 299 of 2023, registered with Parli Gramin Police Station, Dist. Beed, for offences punishable under sections 307, 327, 143, 147, 148, 149 and 506 of the Indian Penal Code.

2. FIR is lodged by Asha Holambe, while she was admitted in Government hospital stating that on 07.10.2023, at about 12.00 hours, she along with her sister Sangita and Tukaram Andhale had been to their field land Gut No. 216 for cutting grass. At about 12.05 hours, one red color tractor driven by Keshav Gitte and blue color tractor driven by Shivkiran Chate

Bhagyawant Punde

came there. One Narayan Palwade also came there in Zylo vehicle. Both the tractors destroyed Soyabean and Tur crop sown in the field. Informant along with her sister stood in front of tractors. At that time, applicant Nivrutti and Kashinath Palwade pushed them. Laxmi Palwade, Supriya Palwade, Sumedha Palwade, Mayabai Andhale caught her and made her fall down. Applicant forcibly poured poison in her mouth, which she spat out. All the accused persons held her down, at that time Supriya Palwade took ring from her right hand and accused Laxmi took out gold chain. Her sister was also manhandled by Sham Chate and Baliram Holambe.

3. Heard learned advocate for applicant and learned APP for respondents assisted by learned advocate for informant. Perused the investigation papers.

4. Uncle of informant Vaijanath Holambe had filed Regular Civil Suit No. 39/1994 seeking declaration of ownership of land Gut No. 216 to the extent of 2 Acres 7 Guntha. The said suit was dismissed on merits and Appellant Court has confirmed the Trial Court's order. 7/12 extract of said land is placed on record, wherein names of Tarabai Palwade, Narayan Palwade, Ram Palwade and Nagorao Palwade are recorded. Members of

Palwade family from time to time approached the police station making complaints against informant's side that they are obstructing possession and they are taking away the crops sown by accused side.

5. In this backdrop contention of applicant appears to be *prima facie* acceptable that informant had no right to enter said gut No. 216. Eleven members of Palwade family including applicant, who is related to Palwade family and is working in field were falsely implicated in the present crime.

6. Trial Court has granted anticipatory bail to the members of Palwade family, however, rejected bail application of applicant on the ground that poison is to be recovered from applicant. It is to be noted here that CA report shows that Organophosphorus insecticide Dimethoate (Rogor), was found on the clothes, which is easily available in the home and field of agriculturists.

7. Offence is registered on 08.10.2023 and investigation appears to be on the verge of completion. Applicant was granted interim protection and he has co-operated in the investigation. Pre-trial custodial detention of applicant is therefore not necessary in the facts of the present case.

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8. In the result, application is allowed by confirming the interim protection order dated 8th December, 2023.

[NITIN B. SURYAWANSHI, J.]