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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2161 OF 2023

1. Tanaji Vaijinath Gaikwad APPLICANTS

2. Subham Tanaji Gaikwad

VERSUS

The State of Maharashtra and Another RESPONDENTS

.....
Mr. S. N. Lale Yelwatkar, Advocate for the applicant
Mr. N. B. Patil, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 5th JANUARY, 2024

ORDER :

1. Applicants apprehend arrest in Crime No. 0223 of 2023 registered with Lohara Police Station, District - Osmanabad for offence punishable under section 354, 323, 506 read with 34 of the Indian Penal Code.

2. Informant has lodged FIR in question, in short, alleging that on account of grudge about pending civil dispute, applicants, taking disadvantage of fact that informant was alone at home, outraged her modesty. At the time of incident, Kalidas Bhujbal intervened.

3. Criminal Bail Application No. 135 of 2023 filed by the applicants seeking anticipatory bail is rejected by the Sessions Court.
4. Heard learned advocate for the applicant and learned APP for the State. Perused the investigation papers.
5. There appears substance in the contention of applicants that on account of civil dispute, going on between family of informant and applicants, they are falsely implicated in the present crime. Eyewitness, who has supported informant, admittedly cultivates agricultural land of informant on share basis.
6. In view of pendency of civil dispute between parties, *prima facie*, false implication of applicants, in the present crime cannot be ruled out, at this stage. Applicants, therefore, are entitled for protection.

ORDER

- A. Anticipatory Bail Application is allowed.
- B. In the event of arrest of the applicants Tanaji Vaijinath Gaikwad and Subham Tanaji Gaikwad in Crime No.0223 of 2023 registered with Lohara Police Station, District – Osmanabad they be released on

furnishing PB and SB of Rs.15,000/- each with one surety in the like amount.

- C. Applicants shall attend the concerned police station from 10th January, 2024 to 13th January, 2024 everyday between 10.00 a.m. and 2.00 p.m. and shall co-operate in the investigation.
- D. Applicants shall not tamper prosecution evidence and shall not indulge in the criminal activities.

[NITIN B. SURYAWANSHI]
JUDGE