



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.28 OF 2024

Mangala Suresh Bhorje and another
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Andhera, District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. J. Thakkar, Advocate for applicants.
Mr. A. R. Chutke, APP for respondent/State.
Mr. V. R. Deshpande, Advocate for complainant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/02/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.143/2023 for the offence punishable under Sections 143, 147, 148, 307, 325, 324 and 435 read with Section 149 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.

2. The applicants are apprehending arrest at the hands of police, as crime is registered against them on the basis of report lodged by Shivaji Kisan Bhorje alleging that due to the dispute between the present applicants and their family members of the informant on account of boundary of the agricultural land. On 27.05.2023 when they had been to their agriculture land along with the tractor for cultivating the land, at the relevant time, present applicants

along with co-accused came by holding weapons in their hands and applicant No.1 has poured the petrol on the tractor and set it on fire, whereas the applicant No.2 has thrown chilli powder on their persons. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that as far as the role of the present applicants is concerned, the general allegations are made against them appears from the recitals of the FIR. Moreover, the investigation is completed and charge-sheet is filed, their custodial interrogation is not required. In view of that, they be protected by granting anticipatory bail.

4. Heard learned APP for the State. He invited my attention towards the subsequent statement of the informant and submitted that there is a specific allegation against the applicant No.1 that she has poured the petrol on the tractor and set the tractor on fire. Thus, specific allegation is made against the applicant No.1, her custodial interrogation is required and prays for rejection of the application.

5. Learned Counsel for the informant also endorsed the same contention and submitted that the applicants have not approached this Court with clean hands. They have suppressed the facts that the trial Court has observed regarding their abscondence.

Learned Counsel further invited my attention towards the subsequent statements of the witnesses wherein specific role is attributed to the present applicants.

6. Having heard the learned Counsel for the applicant, learned APP for the State and the learned Counsel for the informant, perused the investigation papers. As far as the present applicants are concerned, the allegation against the applicant No.1 is that she has poured the petrol on the tractor and set it on fire. Admittedly, now, investigation is completed and charge-sheet is filed. As far as applicant No.2 is concerned, it is only alleged that she thrown the chilli power on the person of the informant and the other witnesses. Considering the investigation is completed and charge-sheet is filed. Moreover, nothing is to be recovered from the present applicants. In view of that, the ad-interim protection granted in their favour deserves to be confirmed. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) In the event of arrest, in connection with Crime No.143/2023 for the offence punishable under Sections 143, 147, 148, 307, 325, 324 and 435 read with Section 149 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, the applicant **No. (1) Mangala Suresh Bhorje and (2) Parvati Nitesh Bhorje** be released on anticipatory bail

(4)

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on executing PR bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

(iii) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)