



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

**ANTICIPATORY BAIL APPLICATION NO.1292 OF 2025
WITH
CRIMINAL APPLICATION NO.2938 OF 2025 IN ABA/1292/2025**

1. Lukesh S/o. Baburao Chavan,
Age: 36 years, Occu.: Labour,
R/o. Kasar Ashta, Tq. Lohara,
Dist. Dharashiv.
2. Sachin S/o. Tarachand Chavan,
Age: 28 years, Occu.: Labour,
R/o. As above.
3. Bhoju S/o. Vithobha @ Vithal Chavan,
Age: 65 years, Occu.: Labour,
R/o. As above.
4. Tarachand S/o. Vithoba Chavan,
Age: 55 years, Occu.: Agri.,
R/o. As above.

.... Applicants

Versus

1. The State of Maharashtra,
(Through the Police Station, Murum,
Tq. Omerga, Dist. Osmanabad)
2. The Superintendent of Police,
Osmanabad.

.... Respondents

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Mr. G.J. Kore, Advocate for Applicant
Mr. S.S. Dande, APP for Respondents No.1 and 2
Mr. Shaikh Ashraf Patel, Advocate for Informant

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 19 AUGUST, 2025

PRONOUNCED ON : 20 AUGUST, 2025

Per Court :

1. The applicants apprehend their arrest in connection with Crime No.0201 of 2025 registered with Murum Police Station, District Dharashiv for offences punishable under sections 108, 115(2), 118(2), 189(2), 190, 191(2), 191(3), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita (BNS).
2. Criminal Application No.2938 of 2025 is filed for permission to assist learned APP. For the reasons mentioned in the application, the same is allowed and disposed of.
3. Learned counsel submitted that there is a false implication alleging abetment to commit suicide. It is submitted that there was a dispute regarding the use of land for erecting a lavatory. That, relatives and others were involved for settling the dispute. That, there are allegations against Bhoju, Tarachand, Sachin, Suman, Shantabai, and Sangita for assaulting a family member of the informant and allegedly issuing threats. It is further alleged that, during the incident, the applicant's mother consumed poison and subsequently died on 01.07.2025. According to learned counsel, there was no inducement or abetment to commit suicide, and a false FIR has been lodged. Hence, the relief of anticipatory bail is sought.

4. Learned APP as well as learned counsel for the informant opposed the application on the ground that the applicants are specifically named for assaulting and beating the informant's family members on the evening of 30.06.2025. It is submitted that due to the threats and assault, the deceased consumed poison. Therefore, for further effective investigation custodial interrogation of the applicants is necessary. For all above reasons, learned APP and learned counsel for informant sought rejection of the application.

5. Heard. Perused the papers. The FIR dated 04.07.2025 has been lodged by Somnath against seven persons in total. Four of them i.e. Lukesh Sachin, Bhoju, and Tarachand have approached this Court. As emerging from the FIR, the dispute arose over the construction of a toilet pit, which allegedly led to an assault by Bhoju on Dhondiram. It is alleged that on 29.06.2025, other relatives had come to resolve the dispute. However, on 30.06.2025, in the evening, Bhoju, Tarachand, Sachin, Suman, Shantabai, and Sangita allegedly entered the house armed with lathi and rod and assaulted the informant's mother. During the said incident, it is alleged that the informant's mother consumed poison and later succumbed to it on 01.07.2025. Apparently, as pointed out, the report regarding the occurrence of 30.06.2025 was lodged on

04.07.2025, and as such, there is a delay in reporting. Prima facie, there does not appear to be any material suggesting inducement or abetment to commit suicide. Resultantly, the applicants succeed. Hence, I proceed to pass the following order:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicants in connection with crime Crime No.0201 of 2025 registered with Murum Police Station, District Dharashiv for offences punishable under sections 108, 115(2), 118(2), 189(2), 190, 191(2), 191(3), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita (BNS), they shall be released on executing P.B. and S.B. of Rs. 15,000/- each with one surety in the like amount.
- (iii) The applicants shall attend the concerned Police Station as and when called by the Investigating Officer, till filing of the charge-sheet and shall co-operate in the investigation.
- (v) The applicant shall not tamper the prosecution evidence.

**ABHAY S. WAGHWASE,
JUDGE**