



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

48 ANTICIPATORY BAIL APPLN.NO. 2193 OF 2024

- 1] LAXMIBAI W/O KANTA PAWAR
- 2] PADMABAI W/O. KANTA PAWAR
- 3] ASMITA W/O. SIDDHESHWAR PAWAR
- 4] SIDDHESHWAR S/O. KANTA PAWAR
- 5] KANTA S/O. DATTU PAWAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr.R.G.Hange
APP for Respondent-State : Ms.Neha B. Kamble

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CORAM : ARUN R. PEDNEKER, J.

DATE : 10.03.2025

P.C. :

1] Heard learned counsel for the applicants and the learned APP for the respondent-State.

2] The applicants are apprehending arrest in connection with Crime No. 453 of 2024 dated 20.10.2024 registered with Georai Police Station, Tq. Georai, Dist. Beed for offence punishable under Section 310(2), 75, 76, 115, 351(2) of Bharatiya Nyaya Sanhita, 2023.

3] This Court, by order dated 31.12.2024, has granted interim protection in favour of the applicants for the submissions and reasons stated in para nos.3 to 7, as noted below :

3. The learned counsel for the applicant submits that the FIR dated 20.10.2024 came to be registered against them alleging theft of cotton and an amount of Rs. 1250/- along with snatching of gold chain i.e. Mangalsutra. It is submitted that this FIR is by way of counter blast to the FIR lodged by applicant No.3 Asmita on the basis of which various offences came to be registered against the family members of Gite family which are including offence of rape and offence under the provisions of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is submitted that the applicants are falsely implicated in the FIR and there is no need for their custody.

4. Learned AGP Mr. P. K. Lakhotiya apposes the application by pointing out the specific allegations against the applicant including that they have threatened the informant and have committed the serious offences as narrated in the report.

5. A perusal of the FIR shows that the FIR with Crime No.0453 of 2024 dated 20.10.2024 is registered at 17.49 hours. It is pertinent to note that the FIR lodged by the applicant No.3 Asmita bearing FIR No. 0452 is dated 20.10.2024 at 3.40 hours. The FIR lodged by applicant No.3 Asmita is earlier in point of time containing serious allegations against the family members of Gite family on the basis of which offence came to be registered under Section 70(1), 109, 118(2), 3(5), 115(2) of Bharatiya Nyaya Sanhita, 2023 and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

6. On perusal of both the FIRs, I am of the view that the FIR No. 0453 of 2024 registered against these applicants is by way of counter blast only to nullify the effect of earlier FIR lodged by the applicant No.3 Asmita. The nature of offence as revealed from the FIR No. 0453 also shows that there are allegations of theft

of cotton, dacoity and threats as against the applicant Nos.1 to 3 who are ladies and applicant No. 4 who is husband of Asmita and Kanta who is father of applicant No.4.

7. On considering the contents of both the FIRs, I am of the view that all these applicants are entitled for protection from arrest in FIR No. 453 of 2024 and their presence can be secured by imposing necessary conditions during the process of investigation..

4] The learned counsel for the applicants submits that in terms of aforesaid order, the applicants have attended the concerned police station and have co-operated with the investigation.

5] Since this Court has already observed in the aforesaid order that the FIR No. 0453 of 2024 registered against these applicants is by way of counter blast only to nullify the effect of earlier FIR lodged by the applicant no.3 Asmita and in view of the fact that the applicants have attended the concerned police station and have co-operated with the investigation, the interim protection granted by order dated 31.12.2024 stands confirmed, in the following terms :

i] The applicants shall attend the concerned police station as and when required by the investigating officer.

ii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall

not influence the informant, witnesses and other persons concerned with the case.

iii] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

6] In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

7] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC