

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAILAPPLICATION NO. 27 OF 2015

1. Shri Rama Tayappa Shinde)
2. Shri Mehbul Malhari Shinde)
3. Shri Yallappa Daji Shinde).. Applicants

vs.

The State of Maharashtra ... Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO. 28 OF 2015

1. Shri Durga Tayappa Shinde)
2. Shri Daji Govind Shinde)
3. Shri Durga Rama Shinde)
4. Shri Durga Husen Shinde).. Applicants

vs.

The State of Maharashtra .. Respondent

Mr.Kuldeep Patil a/w Mr. Prashant S. Hagare,Advocate for the applicants
Ms.Vira Shinde, APP, for the respondent-State.
Mr. Ranjit Pawar for the intervener/complainant.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 22nd January, 2015.

P.C.

Heard. These are the applications under Section 438 of the Code of
Criminal Procedure, 1973.

2. At the outset, the learned counsel for the applicants seeks to

withdraw the application as far as the applicant No.2 in Anticipatory Bail Application No.27 of 2015 is concerned since the prayer has become infructuous. The applicant No.2 has been arrested.

3. Applicant Nos. 1 and 3 are apprehending their arrest in Crime No.408 of 2014 registered at Baramati Police Station for the offences punishable under Sections 307, 324, 323., 143, 147, 148, 149, 504, 506, 384, 354B of IPC and under Sections 4/25 of the Arms Act.

4. It is the case of prosecution that on 19.1.2014, there was community meeting of Vaidu Community. The meeting had assembled to put an end to the quarrels between the members of the community. There was objection to the people from the village attending the said meeting. They wanted to resolve the dispute within the community itself. It is alleged that at about 10 a.m. when the complainant and others were in front of the house of Maruti Hanumant Shinde, a request was made to put an end to the dispute within the community, the present applicants along with others were enraged. They had assaulted the members assembled there with swords, iron rods, stick and other deadly weapons. On the basis of a report of Rahul Kulal, C.R. No.408 of 2014 was registered.

5. Perused the papers of investigation. Upon perusal of the injury certificate, it appears that except Hanumant Shinde, all other persons had received simple injuries. The incident has occurred on the spur of the moment in the course of the

meeting of the community.

6. In view of this, the applicant nos. 1 ad 3 are entitled to grant of pre-arrest bail.

7. The learned counsel for the complainant submits that in the Supplementary Statement dated 28.12.2014, it was specifically mentioned that the accused have outraged the modesty of the female members of the community. They had thrown chilli powder in the eyes of the complainant.

8. The learned counsel for the applicants submits that the said statement is recorded after 10 days of the first information report and it prima facie appears that the incident has been blown out of proportion by way of a supplementary statement. Be that as it may, taking into consideration the fact that the applicants are being prosecuted only under Section 307 of Cr.P.C., where the injuries are simple in nature, this Court is inclined to grant pre-arrest bail in favour of the applicants.

9. The learned counsel for the complainant submits that the complainant party is having threat perception. In view of this, the applicants shall not reside in Zargadwadi for a period of four weeks from today.

ORDER

(i) The applications are allowed. In the event of their arrest, the applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

(ii) The applicants shall not reside in Zargadwadi for a period of four weeks from today.

(SMT.SADHANA S.JADHAV, J.)