

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO. 361 OF 2015
WITH
ANTICIPATORY BAIL APPLICATION NO. 364 OF 2015**

Smt. Manisha Raosaheb Kalkute & Ors.	...	Applicants
vs.		
The State of Maharashtra	...	Respondent

**ANTICIPATORY BAIL APPLICATION NO. 362 OF 2015
WITH
ANTICIPATORY BAIL APPLICATION NO. 365 OF 2015**

Bhausahab Sakham Kalkute & Ors.	...	Applicants
vs.		
The State of Maharashtra	...	Respondent

**ANTICIPATORY BAIL APPLICATION NO. 363 OF 2015
WITH
ANTICIPATORY BAIL APPLICATION NO. 366 OF 2015**

Ganesh Suresh Sabale & Ors.	...	Applicants
vs.		
The State of Maharashtra	...	Respondent

**ANTICIPATORY BAIL APPLICATION NO. 388 OF 2015
WITH
ANTICIPATORY BAIL APPLICATION NO. 389 OF 2015**

Rajashree Ashok Phulavare & Ors.	...	Applicants
vs.		
The State of Maharashtra & Anr.	...	Respondents

Mr. Prakash Naik i/b. Mr. Ganesh Bhujbal, Advocate for the applicants in A.B.A. Nos. 361 of 2015, 362 of 2015, 363 of 2015, 364 of 2015, 365 of 2015 and 366 of 2015.

Mr. Anoop U. Patil, Advocate for the applicants in A.B.A. Nos. 388 of 2015 and 389 of 2015.

Mr. S.S. Pednekar, APP for the State in A.B.A. Nos. 361 of 2015 and 366 of 2015.

Mr. D.P. Adsule, APP for the State in A.B.A. Nos. 362 of 2015, 365 of 2015 and 388 of 2015.

Mr. J.H. Ramugade, APP for the State in A.B.A. Nos. 363 of 2015 and

389 of 2015.

Mrs. G.P. Mulekar, APP for the State in A.B.A. of 364 of 2015.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 27th March, 2015.

P.C.

All these Applications made under section 438 of Cr. P.C. are taken together, as three cross cases are registered out of one incident of assault, which has taken place in the Village Panchayat meeting of Kasari village, Taluka Shirur, District Pune.

2. It is the case of the prosecution that in all these matters, the members of the Gram Panchayat of Kasari village decided to move No Confidence Motion against Sarpanch and Deputy Sarpanch. The date for voting was fixed on 6th February, 2015 at 10 a.m. The information was given to the police by some villagers that there are likely to be disturbance to law and order, as two political rival groups are going to have a very stormy meeting at the time of No Confidence Motion. Many villagers from the two political groups as also the police were also present at the meeting. At that time, suddenly there was a verbal interaction between the two groups and people started pelting stones and kicking and hitting each other. There was a chaos and persons from both the groups were assaulted. Thereafter one Bapu Khandu Nerke gave information to the police, pursuant to which the FIR was registered at

C.R. No. 36 of 2015 with Shikrapur Police Station, Pune on 6th February, 2015 under section 307, 143, 147, 148, 149, 337, 323, 504 and 506. So also at the instance of one Ashok Dharba Raskar the offence was registered at C.R. No. 35 of 2015 on the same day at Shikrapur Police Station for the similar offence. The police who were present at the spot took cognizance and registered the offence against the persons from the warring groups at C.R. No. 37 of 2015. All the accused persons were granted interim bail by this Court.

3. The learned counsel for the applicants/accused have submitted that these applicants/accused are from one village and there was sudden provocation due to political meeting and the issues taken up at that day. It is submitted that there is no grievous injury caused to the persons. The injuries sustained are of simple nature. It is argued that one Dilip Kaluram Bhujbal alleged to have assaulted with axe to complainant Nerke was granted regular bail. Considering this position, the learned counsel prayed for pre-arrest bail.

4. The learned APP while opposing the Applications submitted that the Court while granting interim bail on 11th March, 2015 and 16th March, 2015 to the applicants/accused has mentioned that there is possibility of amicable settlement. The learned counsel further submitted that so far as C.R. No. 37 of 2015 is concerned, all the offences are bailable except

section 353 and section 3 of the Prevention of Damage to Public Property Act.

5. Perused the FIR in the cross cases. The manner in which the incident of assault has taken place and the nature of injuries sustained to the injured persons, I am inclined to confirm the interim bail granted by this Court on the following terms and conditions:

ORDER

- (i) Applications are allowed.
 - (ii) In the event of arrest, the applicants/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.15,000/- each with one or two sureties in the like amount.
 - (iii) The applicants shall not tamper with the evidence.
 - (iii) The applicants shall not indulge into any criminal activity against each other.
 - (iv) All the applicants/accused shall attend the concerned police station as and when called by the Investigating officer and cooperate the Investigating officer.
6. The Applications are disposed of on the above terms.

(MRS. MRIDULA BHATKAR, J.)