

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.794 OF 2015

Laxman Balu Shendge	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. R.V. Bansode, for the Applicant.
Mr. Arfan Sait, APP for Respondent – State.
Mr. B.Y. Shelke(HC), Phaltan police station, Satara present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 22, 2015**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 326, 324, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code in C.R. No. 103 of 2015 registered with Phaltan police station, Satara.

2. One Piraji Kale gave information to the police. There was dispute in respect of the land and a litigation was going on in the

Civil Court between the family of the complainant and the family of co-accused Dhondiba Kale. As per the case of the complainant, on 12th May, 2015 at about 6.00 pm the family members of the co-accused Dhondiba Kale started abusing the complainant and his family members on account of stay order in respect the land. At that time, the applicant/accused Laxman Shendge arrived there and he instigated the co-accused Dhondiba Kale and others that the ladies in the family members of the complainant to be stripped of and were to be beaten up. Thereafter, there was scuffle and the associates of the applicant/accused assaulted the complainant and his family members. In all three persons from the family members of the complainant including the complainant were injured. They were taken to the hospital and a complaint was registered.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused arrived subsequently on the spot. He submitted that he is innocent. He went on the spot because one of the co-accused is his nephew. There was a sudden fight between the family members of the complainant and co-accused. He further submitted that a cross complaint was registered at the

instance of Dattatray Kale. There was free fight between two groups. The applicant/accused is innocent and is falsely implicated in this case. He further submitted that the applicant/accused is a Assistant Teacher and a Government servant. He be granted pre arrest bail.

4. The learned prosecutor opposed the application. He relied on the injury certificates of the complainant and other witnesses. He further relied on the statements of one Satish Lakade, Dhondiba Kale and Satish Kale. He submitted that as per their statements, it was the applicant/accused who arrived on the spot. Thereafter the complainant and his family members were beaten up. He submitted that the injury caused to the complainant and his family members especially injury to the complainant Piraji Kale is grievous in nature. He submitted that the assault has taken place on the instigation of the applicant/accused.

5. Perused the first information report and the statements of the witnesses. It appears that *prima facie* the applicant/accused has arrived on the spot with some boys. The injury certificate of the complainant Piraji Kale discloses that there was fall of his three teeth

of lower jaw. However, the injuries caused to Santosh Kale and Dhondiba Kale are sample in nature. As per the submissions of learned counsel for the applicant/accused, there was no direct conflict between the applicant and the complainant and his family members. He being a relative of family of one of the co-accused arrived there. No specific role of actual assault is attributed to him. On query, it is informed that he does not have criminal antecedents.

6. In view of the above, the order of interim pre arrest bail granted earlier to the applicant/accused on 10th June, 2015 by this Court, is hereby confirmed with modification that now the applicant/accused shall attend the concerned police station twice in a week on every Monday and Friday between 4 pm to 5 pm till filing of the charge sheet and he shall not indulge in any activity of threatening or pressurizing the complainant or prosecution witnesses.

7. Anticipatory bail application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)