

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 820 OF 2015

1.	Sachin Ashok Shirsat	)	
2.	Mr. Pramod Suresh Sonawane	)	
3.	Sunil Ashok Shirsat	)	
4.	Mr. Sunny Ashok Shirsat	)..	Applicants

vs.

The State of Maharashtra	...	Respondent
--------------------------	-----	------------

ALONG WITH

ANTICIPATORY BAIL APPLICATION NO. 849 OF 2015

Sanjay Gariba Chindaliya & Ors.	...	Applicants
---------------------------------	-----	------------

vs.

The State of Maharashtra	..	Respondent
--------------------------	----	------------

Mr. Chandrakant K. Talekar, Advocate, for the applicants.

Ms. S.S.Kaushik, APP, for the State

CORAM: SMT.SADHANA S.JADHAV,J.

DATE : 15th July, 2015.

P.C.

This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicants herein are apprehending their arrest in Crime No.139 of 2015 recorded at Trombay Police Station for the offences punishable under Sections 326, 143, 147, 148 and 149 of IPC.

2. It is the case of the prosecution that on 23.5.2015, Pravin Sonawane lodged a report at Govandi Police Station alleging therein that his friend Pradeep was to get married on 24.5.2015 and Haldi ceremony was on 22.5.2015. The ceremonies were to be performed in Samvidhan Society, Gautam Nagar, Chembur. The friends and relatives of both families were present. During the ceremony, people were rejoicing and

dancing. The friend of the complainant Sham Shinde had a trifling quarrel with one Mrs. Rekha Chandelia. At that time, the husband of Mrs. Rekha had threatened Sham and his associates of dire consequences. Sham did not wish to precipitate the incident further and therefore had left the spot. Some people had followed Sham and his friends. The complainant learnt about it and therefore decided to inform Sham about the same. He reached near R.C.F. Gate No.4 at about 12.30 midnight. He saw two groups quarrelling at that spot and at that time, he saw that Sanjiv Chandelia was assaulting Sham with the stick on his head, whereas Krishna was assaulting him with the helmet and Akshay assaulting him with a stone. The assailants were accompanied by the present applicants who were also assaulting Sham with sticks. The complainant intervened to pacify the quarrel and at that time Pramod Sonawane, applicant No.2, had assaulted him on his chest. Thereafter, the accused persons fled from the spot in rickshaw. Sham was groaning with pain. He had sustained bleeding injuries. He was taken to the hospital. In the hospital, the complainant learnt that Balam Pathan was also injured and had sustained injuries in the said quarrel. On the basis of the said statement, the offence was registered. Upon perusal of the inquest certificates, it appears that Sham had fallen unconscious in a pool of blood. He had regained consciousness only on

25.5.2015.

3. The learned counsel for the applicant submits that in fact, on 23.5.2015, Rekha Chamndelia had lodged a report at Trombay Police Station at about 11 p.m. alleging therein that the complainant's party had attempted to outrage her modesty. At that time, there was a quarrel in which there was an altercation and the complainant party had assaulted her husband and others. It is pertinent to note that initially, N.C. was registered because the incident had occurred at Panjarpol at about 11.30 p.m.

4. The learned APP has drawn attention of this Court to the first information report lodged by Pravin Sonawane which would clearly indicate that in fact, the complainant party had left the spot to avoid any further quarrel. The applicants had followed them upto Govandi. The assault had taken place on the complainant party at Govandi. They had immediately lodged the report but since the incident had occurred within the jurisdiction of the Trombay Police Station, FIR was relegated to the Trombay Police Station for registration of offence and further investigation. It is further pertinent to note that the complainant is a resident of Gautam Nagar, Panjarpol,

whereas the applicants had been to attend the marriage and the incident has occurred at Panjarpol. The N.C. Report was registered at Trombay Police Station. Prima facie, it appears that after the incident was over, the complainant party had left the spot. They were followed by the applicants and assaulted at Govandi and hence the offence was initially registered at Govandi. The applicants had blown the incident out of proportion. They had mounted assault upon the complainant and others due to which they had sustained grievous injuries. The report filed by the Investigating Officer shows that all the applicants have criminal antecedents. They are used to commit breach of peace, law and order in Panjarpol and Chembur areas. They terrorized the witnesses. Hence, in this backdrop, the applicants do not deserve the discretionary relief in the nature of pre-arrest bail under Section 438 of Cr.P.C.

Hence, both the applications stand rejected.

(SMT.SADHANA S.JADHAV,J.)