

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1007 OF 2015

Pratap Laxman Chavare & Ors. ... Applicants

Vs.

The State of Maharashtra ... Respondent

with

ANTICIPATORY BAIL APPLICATION NO.945 OF 2015

Sanjay Balkrushna Shingade & anr. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.V.S. Talkute for the Applicants
Ms.R.V. Newton, APP, for Respondent – State
Mr.Rajendra More, Dy.S.P., Daund, Pune (Rural) – present

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

DATE: **JULY 29, 2015**

P.C.:

1. The two applications are moved for pre-arrest bail where the applicants/accused are apprehending arrest in C.R. No.192 of 2015 registered with Indapur police station under sections 307, 326, 324, 323, 143, 147, 149, 354, 436, 504, 506 and sections 3(1)(x), 3(2)(iv), 3(2)(v) and 3(1)(xi) of the the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989. It is the case of the prosecution that the complainant Deepak Bhingardive and his neighbour Sanjay Shingade and Kiran

Khurange had dispute in respect of access and boundaries of their field. On 26.6.2015 in the morning, the applicant/accused Sanjay Shingade alongwith the co-accused threatened the father of the complainant and Sanjay Shingade abused his father by caste. The father, therefore, went to the police station and at that time, the police officer warned all the accused and the complainant not to fight and thereafter the complainant and his family members came home. On the same day at around 4pm, the applicant/accused Sanjay Shingad and the co-accused arrived at their home. They started abusing. They also abused them by their caste. They were armed with wooden sticks. They started assaulting. At that time, the other applicants/accused alongwith the co-accused arrived in the car. They were also armed with wooden sticks, iron pipes and started assaulting the complainant and his family members. Thereafter, they went away. So the information was given to the police and the complaint was lodged.

2. The learned Counsel for the applicant/accused has submitted that the applicants/accused are falsely implicated in this case. The family member of the applicant/accused, one Chhaya Rajendra Singade, on the same day 26.6.2015, gave information to the police about the assault against the family members of the complainant one Sonal Vilas and Raghunath. A non-cognisable complaint was registered pursuant to this and therefore, the complainant had grievance. It is further submitted that

that the injuries caused to the applicants/accused to the complainant and his family members are simple in nature. He further submitted that the applicants/accused have no criminal record. He submitted that the applicants/accused have also given one complaint on 19.5.2015 to the police that the complainant was likely to implicate him falsely in the offence under the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 as the complainant had threatened accordingly earlier. He relied on exhibit C.

3. The learned Prosecutor has opposed the application and submitted that nearly 10 persons were injured. 3 of them were hospitalised for 24 days for their treatment. She relied on the statements of the witnesses. She submitted that the custody of the applicants is required.

4. Perused the FIR, the documents including the injury certificates produced by both the parties. It is apparent that there was dispute between the two families. 10 persons were injured and most of them have sustained injuries of simple nature. However, the injuries of Samadhan, Pradeep and Deepak may be of a grievous nature, as mentioned in the injury certificate. As per the case of the prosecution, there is a first incident which has taken place in the morning. At that time, Sanjay abused the father of the complainant by his caste. However, there is no mention of presence of any other person than the father of the

complainant and his family members and the applicant/accused and the co-accused. Thus, prima facie, it appears that the offence is not taken place in public and therefore, the bar under section 18 of the the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 can be lifted at this stage. The incident of assault at the house of the complainant prima facie appears to have taken place and 10 persons are injured. However, there is no certification in respect of the grievous injuries. There are no criminal antecedents against the applicants/accused. However, I am not inclined to grant pre-arrest bail to Sanjay Shingade because he was the one who initiated the quarrel in the morning and then, he was taken to the police station. He was warned by the police officer and despite such warning, he again went to the house of the complainant at 4pm on the same day and starting fighting with the complainant. The names of the co-accused are appearing only in the second incident and therefore, I am of the view that custody is not required.

5. In the circumstances, Anticipatory Bail Application *qua* the accused Sanjay Balkrushna Shingade is rejected. As regards the other applicants/accused, pre-arrest bail is granted on the following conditions:

- i) In the event of arrest, the applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- each, with one or two solvent sureties in the like amount;

- ii) The applicants shall not tamper with the evidence;
 - iii) The applicants shall stay out of the village Lakhewadi, for a period of 15 days;
 - iv) The applicants/accused shall not indulge into any kind of offence while on bail;
 - v) The applicant shall cooperate with the Investigating Officer and attend the concerned police station on every Monday and Friday, between 11am to 2pm, till filing of chargesheet.
6. Anticipatory Bail Applications are disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)