

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1500 OF 2015**

Vandana Dadaso Patil & Ors.

...Applicants

Versus

State of Maharashtra

...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1501 OF 2015
(NOT ON BOARD)**

Subhash Annaso Gotkhinde & Ors.

...Applicants

Versus

State of Maharashtra

...Respondent

Mr. Chetan G. Patil for the Applicants in ABA/1500/2015

Mr. Anand S. Patil for the Applicants in ABA/1501/2015

Mr. S. S. Pednekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
SATURDAY, 17TH OCTOBER, 2015

P.C. :

1. Both these applications were ordered to be listed today vide order dated 9th October, 2015. However, Anticipatory Bail Application No. 1501 of 2015 is not listed on Board today. The same is taken on Board and heard along with Anticipatory Bail Application No. 1500 of 2015.

2. Heard learned Counsel for the applicants and the learned A.P.P for the State.

3. By these applications, the applicants seek pre-arrest bail in connection with C.R. No. 75 of 2015 registered with the Hupari Police Station, Kolhapur, for the alleged offences punishable under Sections 143, 147, 149, 323, 354, 392, 427, 504 and 506 of the Indian Penal Code.

4. The applicant No. 1-Vandana Patil in ABA No. 1500 of 2015, is the Sarpanch of the Gram Panchayat of Village Yalgud and the rest of the applicants in both the applications are the members of the Yalgud Gram Panchayat.

5. Learned Counsel for the applicants submits that a Resolution was passed on 1st September, 2015 to take action against the encroachment which had taken place on the Gram Panchayat land. He submitted that pursuant to the said Resolution, it was decided that the Gram Panchayat would remove the said encroachment. Learned Counsel for the applicants submits that pursuant to the same, on 12th September, 2015, at about 11:30 a.m., all the applicants went to the said place to see the encroachment. The applicant No. 1 Vandana Patil who has also lodged a complaint vide C.R.

No. 74 of 2015 has, in her complaint stated that when they went to check the encroachment, the complainant in C.R. No. 75 of 2015 Jyoti Rajput obstructed them and started verbally abusing. It is alleged that several persons came forward, abused the applicants and raised a quarrel with them. The applicant No. 1 in the complaint has alleged that they tried to obstruct the applicant in performing their official duty. She has further stated that Jyoti Rajput-complainant in C.R. No. 75 of 2014 and others threw chilli powder on them and that one Sunil Kore tried to outrage the modesty of one of the employees of the Gram Panchayat who was present there. She has alleged that the accused in C.R. No. 74 of 2015 assaulted the applicants with fist and kick blows and forcibly pulled the Mangalsutra from the person of one Chandrabhaga.

6. Learned Counsel for the applicants states that the applicant No. 1 lodged a complaint which was registered vide C.R. No. 74 of 2015 at 9:00 p.m. with the same police station. He submitted that thereafter at about 10:50 p.m. Jyoti Rajput-the complainant in C.R. No. 75 of 2015 also lodged a complaint, making false allegations as against the present applicants. He submits that a perusal of the said complaint will show the

falsity of the complaint and is almost similar to the complaint lodged by the applicant No. 1.

7. Learned A.P.P states that all the applicants have attended the concerned Police Station as was directed by this Court vide order dated 9th October, 2015. He submits that there are statements of eye-witnesses which have been recorded which support the complaint lodged by the applicant No. 1 Vandana Patil, which was registered vide C.R. No. 74 of 2015.

8. Considering the nature of allegations and the manner in which the incident had taken place, the applicants are granted anticipatory bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount ;

(ii) The applicants shall inform their latest places of residence and mobile contact numbers and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.