

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 709 OF 2017

1. Mukul Ranbir Singh ...Applicants
2. Ranbir Diwakar Singh

Versus

The State of Maharashtra ...Respondent

Mr. Laxmikant M.Shukla for the applicant.

Ms.J.S. Lohokare, APP for the State.

PSI, Nalawade, Kurar Police Station.

CORAM: A.M. BADAR, J.

DATED: 6th DECEMBER, 2017

PC:-

1. The learned advocate appearing for the applicants sought leave to produce copies of affidavits of Utsav Singh and Ankitsingh sworn by them in Criminal Application No.465 of 2017. Leave as prayed is granted. Copies of affidavits of Utsav Singh and Ankit Singh are taken on record and marked as **Exhibit X and Exhibit Y** for the purpose of identification. Applicants are accused in Crime No. 96 of 2017 registered with Kurar Police Station for the offences punishable under Sections 326, 323, 504, 506 r/w 34 of the

Indian Penal Code and under Section 37(1)(a) r/w 135 of Maharashtra Police Act at the instance of Utsavsingh and Vishnupratap Sing.

2. Heard the learned advocate appearing for the applicants/accused. He argued that the incident in question is also resulted in lodging cross FIR by applicant Mukulsingh against the alleged victim of the subject crime and that FIR lodged by applicant Mukulsingh has resulted in registration of Crime No. 99 of 2017 against Utsavsingh and his brother Ankitsingh so also against two unknown persons for offence punishable under Section 326, 452, 323, 504, 506 r/w 34 of the IPC and under Section 37(1)(a) r/w 135 of the Maharashtra Police Act. The learned advocate further argued that both the applicants have filed a petition under Section 482 of the Cr.P.C bearing No.465 of 2017, wherein Utsav Singh and Ankitsingh- alleged victims of the subject crime are respondents. Both of them had sworn affidavits for quashing the subject FIR.

3. Apart from this, according to the learned advocate appearing for the applicants, the members of the prosecuting party attempted to trespass the house of the applicants while armed with dangerous weapon like swords. Applicants Mukulsingh and Ranbir Singh suffered injuries in that incident. Hence considering the fact that present applicants were aggressor, their custodial interrogation is not warranted.

4. The learned APP opposed the application by pointing out that first informant Utsavsinh has suffered fracture injury in the incident in question and his brother Ankit Singh has also suffered injury. Therefore, both the applicants are not entitled for anticipatory bail.

5. I have carefully considered the rival submissions and also perused the material made available.

6. As per version of first informant Utsav Singh, after 1.30 p.m. of 21.3.2017 the applicant No.1 Mukul Singh and his friends assaulted him. He further reported that at about 9.30 p.m. of the same day, when he was at Shatabdi hospital, he learnt from his brother Ankit Singh that both applicants had assaulted Ankit Singh. Undisputedly Ankit Singh suffered simple injury. Applicant No.2 Ranbir Singh was not present when the first informant as alleged by the first informant took place on 1.30 p.m. of 21.3.2017.

7. Perusal of the cross FIR lodged by applicant No.1 Mukul Singh shows that at about 8.30 p.m. of 21.3.2017 Ankit Singh, Utsav Singh and their friends assaulted him as well as his father by means of sword.

8. It is seen that both the applicants have preferred a petition for quashing the subject FIR which is registered as criminal application No.465 of 2017. In the same petition filed by the present applicants, victims of the alleged crime

namely, Utsav Singh and his brother Ankit Singh have filed affidavits. It is a common ground on behalf of both the parties that in order to maintain peace and harmony between both families, which are resident of the same locality, the matter is settled between them outside the Court and therefore, the subject FIR be quashed. Duly sworn testimony of both the victims of the crime in question also reflects this position.

9. In this view of the matter, in my considered opinion, custodial interrogation of both applicants is not warranted. Hence the following order.

ORDER

- i) Order dated 27th April 2017 passed by this Court (Coram: A.S. Gadkari, J) is confirmed on same terms and condition.
- ii) The application is disposed of accordingly.

(A.M. BADAR, J)