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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.750 OF 2017

1.	Dattatraya Namdev Mujumale	
2.	Tarachand Macchindra Mujumale	
3.	Rajendra Dattatraya Mujumale	
4.	Ravindra Dattatraya Mujumale	
5.	Kailas Pandurang Mujumale	...Applicants
	Versus	
	The State of Maharashtra	...Respondent

Mr.A.P.Kulkarni, for the Applicants

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

PSI – R.R.Varote, Rajgad Police Station, Pune Rural

CORAM : REVATI MOHITE DERE, J.

DATE : 27th JUNE, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 193 of 2016 registered with the Rajgad Police Station, Pune Rural, for the alleged offences punishable under Sections 143, 147, 148, 149, 323, 324, 326, 307, 504, 506, r/w 34 of the Indian

Penal Code and under Sections 4 and 25 of the Arms Act.

3. Learned Counsel for the applicants state that with respect to the incident dated 13th December, 2016, there is a cross complaint filed by the applicants' side which is registered vide C.R.No.192 of 2016 with the Rajgad Police Station, Pune Rural. He submitted that in the aforesaid C.R., 5 persons from applicants' side have received injuries i.e. 3 grievous injuries and 2 simple injuries. He submitted that the said C.R. i.e. C.R.No.192 of 2016, has been lodged as against 8 persons including the complainant in the present C.R.

4. Learned APP does not dispute the fact, that with respect to the incident dated 13th December, 2016 there are cross FIRs' lodged by either sides i.e. applicant's side and the complainant's side. He has tendered the injury certificates of the injured in the present C.R. i.e. C.R.No.193 of 2016, registered with the Rajgad Police Station, Pune Rural.

5. Perused the papers. It is not in dispute that there are cross complaints with respect to the incident which took place on 13th December,

2016. The applicants' side has also lodged an FIR being C.R.No.192 of 2016 registered with the Rajgad Police Station, Pune Rural, alleging offences punishable under Sections 307, 326, 323, 324, 504, 506 etc., of the Indian Penal Code. It appears that in the said C.R. i.e. C.R.No.192 of 2016, most of the accused were granted anticipatory bail. As far as present C.R. i.e. C.R.No.193 of 2016, is concerned, the applicant no.1 – Dattatraya Mujumale is alleged to have assaulted – Sagar with a stick. The said injury is a simple injury. As far as applicant no.2 - Tarachand Mujumale is concerned, he is alleged to have assaulted Sagar, Atul and Kashinath. The injury certificates of Sagar shows that he has sustained simple injuries, whereas Atul and Kashinath have received grievous injuries. Kashinath had sustained a fracture to his index fingers, whereas Dnyaneshwar (Dnyanoba) has sustained a displaced midshaft fracture of left ulna. As far as applicant no.3 - Rajendra Mujumale is concerned, he has himself sustained a grievous injury and is not alleged to have assaulted any of the injured. As far as applicant no.4 - Ravindra Mujumale is concerned, he himself has received a grievous injury. The applicant – Ravindra is alleged to have assaulted Sagar, Atul and Dnyanoba with an iron rod. The injuries sustained by Sagar are simple in nature, whereas Atul and Dnyanoba are stated to

have received grievous injuries. Atul has sustained fracture of left leg and Dnyanoba has sustained a displaced midshaft fracture of left ulna. As far as applicant no.5 – Kailas Mujumale is concerned, he himself has received grievous injuries. Applicant – Kailas is stated to have assaulted Sagar, Dnyanoba, Atul and Kashinath with sticks. Except Sagar, all are stated to have received grievous injuries. As noted earlier, Atul has sustained fracture of left leg and Kashinath has sustained a fracture to his index finger, whereas, Dnyaneshwar has sustained a displaced midshaft fracture of left ulna. None of the injuries are on the vital parts of the body.

6. In the peculiar facts of this case, considering the nature of injuries sustained by some of the applicants and the fact, that there are cross cases filed by both the sides, the application is allowed and the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/- each with one or two sureties in the like amount ;

(ii) The applicants shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier.

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

8. It is made clear that the observations made herein are *prima facie* and are confined to this application.

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

REVATI MOHITE DERE, J.