

Anand

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

ANTICIPATORY BAIL APPLICATION NO.869 OF 2017

1. Bhagwan Yashwant Konde .Applicants
2. Mrs.Nalini Bhagwan Konde
3. Siddharth Bhagwan Konde

Vs.

The State of Maharashtra .Respondent

Mr.P.M.Patil, Advocate, for the Applicants
Mr.Prashant Jadhav, APP, for the Respondent –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 23.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek pre-arrest bail in connection with C.R.No.32 of 2017 registered with the Rajgad Police Station, Pune, for the alleged offences punishable under Sections 395, 397, 354 of the Indian Penal Code and under Sections 3, 25 of the Arms Act.

3. Learned counsel for the Applicants submitted that the Applicants have been falsely implicated in the aforesaid case. He submitted that the Applicants have also sustained injuries in the said incident. He submitted that a complaint has also been lodged by one Ujwala Konde, and that the said complaint has been registered vide C.R.No.33 of 2017, as against the Complainant in the present C.R. and others for the offences punishable under Sections 307, 394, 337, 341, 354, 450, 452, 504, 506 r/w.34 of the Indian Penal Code.

4. Learned APP has produced the Injury Certificates of the injured. It appears that the Complainant – Shrutika Konde has suffered simple injuries i. e. blunt trauma to head, face, both ears and abdomen and abrasion over right forearm; Abhay Konde has sustained 3 abrasions, on his left hand, right parietal region and blunt trauma to his abdomen, back and chest and

fronto-parietal region; Rajesh Konde has suffered 4 abrasions on forehead, left cheek, left knee, right foot and one blunt trauma on hands, neck, lower back, hip and abdomen. It also appears that Rajesh has suffered a displaced fracture of mid-portion of 4th metacarpal on right hand. The said injury is stated to be a grievous injury. As far as C.R.No.33 of 2017 lodged by the Applicants' side is concerned, it appears that 4 persons have sustained injuries i. e. Dnyaneshwar Konde has sustained a head injury on the parietal region. The said injury had to be sutured. Bhagwan Konde is alleged to have received a trauma to his left arm. Ujwala Konde's medical certificate shows that she had swelling and pain on the right elbow joint and an abrasion over right chin of tibia. Omkar Konde's injury certificate shows that he had suffered abrasion over left cheek. It appears that there is long standing dispute between the two families. It is also not in

dispute that both the sides are related to one another.

5. Perused the papers, in particular, the Injury Certificates. It appears that co-accused Dnyaneshwar Shripati Konde, Ujwala Dnyaneshwar Konde and Jeevan alias Omkar Dnyaneshwar Konde have been enlarged on bail by the learned Additional Sessions Judge, Pune. It also appears from the Order dated 19.06.2017 passed by the learned Additional Sessions Judge, Pune that PSI Shri Varote of Rajgad Police Station in his report submitted by him, before the Court, has stated that on preparing the spot panchanama, no evidence of any untoward incidence was found. The report also reflected that there were certain discrepancies in the statements of Rajesh Konde and the eye witness i.e. driver of tempo.

6. It appears from the facts of this case, that there is long standing dispute between the parties; that there are cross complaints lodged by both the parties against each other; and that both sides have sustained injuries. The Applicants have attended the concerned police station as directed by this Court. In the facts of this case, custodial interrogation of the Applicants is not required. Accordingly, the Application is allowed and the Applicants are granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicants be enlarged on bail, on executing PR Bond in the sum of **Rs.15,000/- each** with one or two sureties in the like amount;

(ii) The Applicants shall attend the concerned Police Station **as & when called for** by the investigating officer till the filing of the charge-sheet or for a period of three months

whichever is earlier;

(iii) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

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 the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)