

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1059 OF 2017**

1. Sandesh @ Suraj Anil Kulkarni,	
2. Kiran Jangonda Kothale	...Applicants
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1060 OF 2017**

Shrimandhar Annaso Wanjule	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Umesh R. Mankpure for the Applicants

Mr. S. S. Hulke, A.P.P for the Respondent-State in ABA/1059/17

Mr. S. H. Yadav, A.P.P for the Respondent-State in ABA/1060/17

PSI Mr. M. D. Kambli from Sangli (Rural) Police Station, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 21st JUNE, 2017

P.C.

1. Heard learned Counsel for the parties.

2. By these applications, the applicants seek pre-arrest bail in connection with C.R. No. 58 of 2017 registered with the Sangli Rural Police Station, for the alleged offences punishable under Sections 143, 147, 148, 149 and 326 of the Indian Penal Code.

3. Learned Counsel for the applicants, after arguing, does not press this application *qua* applicant No.1 in ABA No. 1059 of 2017 - Sandesh @ Suraj Anil Kulkarni and states that the applicant - Sandesh @ Suraj Anil Kulkarni will surrender today i.e. 21st June, 2017 before the appropriate Authority, after giving notice to the Investigating Officer. He, however, presses for pre-arrest bail *qua* applicant No.2-Kiran Jangonda Kothale in ABA No. 1059 of 2017 and Shrimandhar Annaso Wanjule in ABA No. 1060 of 2017.

4. Learned Counsel for the applicants submits that the incident took place on 10th May, 2017 between two groups. He submits that it is a case of free fight. He further submits that with respect to the said incident dated 10th May, 2017, the applicants' side has also lodged a complaint with the Sangli Rural Police Station, which was registered vide C.R. No. 57 of

2017 as against the complainant in the present C.R. and others. He submitted that in the said incident, three persons from the applicants' side sustained grievous injuries. He further submits that as far as, the present C.R. is concerned, Iqbal Tamboli is the only person, who has received injuries in the incident. He submits that as far as the present C.R is concerned, the same was lodged after 3 days i.e. on 13th May, 2017, after the applicants' C.R was registered.

5. Learned A.P.P has produced the injury certificates. It appears that Iqbal Tamboli, who was injured in the present C.R. has sustained injuries on his head and finger. The injury certificates of the 3 injured in C.R. No. 57 of 2017 i.e. of Sandesh @ Suraj Anil Kulkarni (applicant No.1), Kiran Jangonda Kothale (applicant No.2) and Rahul Mangawe (the complainant), have also been placed before me.

6. Perused the papers. It appears to be a case of free fight. The incident has taken place on 10th May, 2017. The applicants' side has lodged a complaint as against the complainant in the present C.R and others, alleging the same offences. The said C.R being C.R. No. 57 of 2017 was

registered on 12th May, 2017. It appears that in C.R. No. 57 of 2017, three persons have been injured. Rahul Mangawe (complainant in C.R. No. 57 of 2017) has sustained an injury on his head, right arm and left arm. There is an incised wound over his head. The applicant- Sandesh @ Suraj Anil Kulkarni has also sustained injuries on his left hand and fingers and on the left forearm. The applicant-Kiran Jangonda Kothale has also sustained an injury on his right forearm. It appears that the muscle tendon was cut. He has also sustained an incised wound on his forearm and was required to be operated and sutured.

7. As far as the present C.R being C.R. No. 58 of 2017 is concerned, only one person i.e. Iqbal Tamboli has sustained an injury. His injury certificate shows that he has sustained a sharp deep cut on left parietal area of head, a T-shaped wound over temporal region of head, a wound over right parietal region of head, a sharp cut over right middle finger and multiple abrasions over right hand, neck and chest region.

8. The applicant – Sandesh @ Suraj Anil Kulkarni is alleged to have assaulted Iqbal Tamboli with an iron rod on his head. No role has

been assigned to applicant-Kiran Kothale. As far as applicant-Shrimandhar Wanjule is concerned, he is alleged to have assaulted Iqbal Tamboli with a sword, resulting in a sharp cut wound on his right middle finger.

9. Considering the role of the applicant-Kiran Kothale and applicant-Shrimandhar Wanjule, they are granted anticipatory bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants-Kiran Kothale and Shrimandhar Wanjule be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- each, with one or two sureties in the like amount;

(ii) The said applicants shall report to the Investigating Officer of the concerned Police Station on 27th, 28th and 29th June, 2017 from 10:00 a.m. to 12:00 noon;

(iii) The said 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;

(iv) The said applicants to cooperate with the conduct of the trial.

10. The applicant No. 1 in ABA No. 1059 of 2017-Sandesh @ Suraj Anil Kulkarni to surrender before the before the appropriate Authority today i.e. 21st June, 2017, after giving notice to the Investigating Officer.

11. The applications are disposed of in the aforesaid terms.

12. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding these applications.

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

REVATI MOHITE DERE, J.