

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

ANTICIPATORY BAIL APPLICATION NO. 1831 OF 2017

1 Murlidhar Prahlad Pawar.	
2 Jayant Baban Keche.	
3 Dattatray Vinayak Keche.	
4 Chetan Vinayak Keche.	
5 Sahadeo Shrimant Bhosale.	
6 Atul Haridas Bhosale.	
7 Dattatray Dagdu Bhosale.	
8 Rajendra Sopan Pawar.	
9 Shivaji Dashrath Pawar.	
10 Madhukar Bhagwan Pawar.	... Applicants.
Versus	
The State of Maharashtra & anr.	... Respondents.

Mr. P.B. Shah i/b. Mr. Kayval P. Shah, advocate for Applicants.

Mr. Jitendra Gaikwad, advocate for intervenor.

Mr. Vinod Chate, APP for State.

Mr. Nimbalkar, API, Indapur Police Station, Pune(Rural).

CORAM : SMT.SADHANA S. JADHAV,J
DATE : DECEMBER 12, 2017

P.C.:

1 Heard the learned Counsel for the applicants and the learned
APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicants herein are apprehending their arrest in Crime No. 561 of 2017 registered at Indapur Police Station, Pune (Rural) police station for offence punishable under section 143, 147, 149, 326, 323, 504 of the Indian Penal Code.

3 It is the case of the prosecution that on 25th August, 2017 one Sukhadeo Rajaram Nikam was admitted in Yashoda Hospital at Indapur with injury. His statement was recorded by the police as it appears a medico legal case. He has alleged that on 25/8/2017 he alongwith his cousins were proceedings towards Bavada to purchase Ganesh idol as it was Ganesh Chaturthi. It is alleged that Sahadeo who is applicant No. 5 had fling some article like stone towards the applicant which hits him. There was an altercation between both the groups. In the meanwhile the applicants had assaulted the complainant with fists and kick blows. It is alleged that they had also

mounted assault with stick. Hence, on the basis of the report Crime No. 561 of 2017 was registered.

4 Perused the injury certificate, which shows that the complainant had sustained contusions and one contused lacerated wound over occipital region. He had sustained fracture to his nasal bone.

5 The learned Counsel for the applicants submits that in fact, there were two faction in the village and there was group rivalry, due to which the said incident has occurred. Some of the applicants are students. They are young boys. There are no criminal antecedents. The learned Counsel for the applicants also submits that false implication of some of the accused cannot be rule out in faction region village.

6 Perused the papers of investigation. Upon considering the facts of the case and the submissions advanced across the bar, this Court is of the opinion that the applicants have made out a case for grant of

pre-arrest bail. However, it is made clear that the observations made hereinabove are prima facie in nature. The learned trial Court shall not be influenced by the above observations at the time of hearing application for discharge or quashing of FIR or at the time of trial. The same be decided on its own merits.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 561 of 2017 registered at Indapur Police Station, Pune (Rural), the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- each with one or more sureties in the like amount.
- (iii) The applicants shall not reside at village Gar, Akole, Taluka Madha, District Solapur till the filing of the charge-sheet. The applicant shall report to the police station as and when called.

(SMT. SADHANA S. JADHAV,J)