

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

BAIL APPLICATION NO.118 OF 2018

Chidanand Irappa Teli & Ors. Applicants
Vs.
The State of Maharashtra Respondent

Mr. Umesh Mankapure for the Applicants.
Ms. Veera Shinde, APP for the State in BA No. 118 of 2018.
Mr. S.H. Yadav, APP for the State in BA No.65 of 2018.

Mr. Bhagwan Shinde, API, Umadi Police Station, Sangli.

Coram : *Smt. Sadhana S. Jadhav, J.*
Date : *16th January, 2018*

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 439 Code of Criminal Procedure. The applicants herein are arrested on 28th December, 2017 in Crime No.73 of 2017, registered at Umadi Police Station, for the offences punishable under Sections 307, 326, 324, 323, 132, 147, 148, 149, 504 Indian Penal Code.

3 It is the case of the prosecution that on 25th December 2017, Shrishail Chougule lodged a report at the Police Station that the elections to Umadi Gram Panchayat were held sometime in October, 2017. That on 25th December 2017 at about 8.00 am., there was an altercation between Chaugule and the applicants. The complainant alongwith his associates was present in the police station for lodging the complaint and at that time, the applicants herein alongwith Sunil had intercepted them at Gandhi Chowk and threatened them of dire consequences if they reported the incident to the police station. At that time, Chandrakant Chaugule had assaulted him. It is pertinent to note that Shrishail had lodged report at the police station on 25th December 2017 alleging therein that there was an altercation. That Chandrakant was assaulted by Sunil, Anil and Jakanna with sticks on his head. There are cross-complaints. The F.I.R., on the basis of which Crime No. 72 of 2017 is registered is prior in time.

4 Learned counsel for the applicants submits that the registration of Crime No. 73 of 2017 is only a counter-blast to the registration of the report, on the basis of which Crime No. 72 of 2017 has been registered.

5 Perused the papers of investigation, more particularly the injury certificates. It appears that Chandrakant had sustained

one grievous injury. As far as the other injured are concerned, they had sustained simple injuries. It being a case of cross-complaint, the applicants except applicant Sunil Teli deserves to be enlarged on bail. At the threshold, the learned counsel for the applicants submits that he would not press the application of applicant no. 3 till filing of the charge-sheet.

6 The observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

ORDER

1 The application is allowed.

2 The applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.25,000/- each with one or more solvent sureties in the like amount.

3 The applicants shall report to the concerned police station as and when called.

(Smt. Sadhana S. Jadhav, J)