

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

ANTICIPATORY BAIL APPLICATION NO.1396 OF 2018

Prakash R. Deshmukh & Ors. ... Applicants

Vs

The State of Maharashtra ... Respondent

...

Mr. Shekhar A. Ingawale for the Applicants.

Mr. A.D.Kamkhedkar, APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.

DATE : 19 DECEMBER, 2018

P.C. :

The Applicants were apprehending the arrest in Crime No.163 of 2018 registered with Vadgaon Police Station, Kolhapur for committing the offences punishable under Sections 307, 452, 427, 147, 148, 149, 325, 504 and 506 of the IPC.

2 Heard the learned counsel for the Applicants and the learned APP for the State. Perused the complaint and the cross complaints as well as the order dated 28th June, 2018 passed in B.A. No.1405 of 2018.

3 The alleged incident had taken place on 24.5.2018 between the two rival groups which gave rise to cross complaints. It is alleged that Group of about 66 persons assaulted the complainant and his associates and caused the serious injuries.

4 The learned counsel for the Applicants has taken me through the complaint and the cross-complaint. It is submitted that brother of the applicant no.1 has been granted bail by this Court in Bail Application No.1405 of 2018. He has invited my attention to the observations made in paragraphs 5 and 6 of the order dated 28.6.2018 passed in the said Bail Application. Brother of the Applicant No.1 was released by this Court after hearing the complainant, who had intervened in the said proceedings.

5 The learned APP has placed on record medico-legal certificate of the complainant which shows that he had sustained 4 simple injuries. Certificate is taken on record and marked 'I-1' for

Identification.

6 I have perused the cross complaint. It appears there is political rivalry between these two groups which gave rise to the aforesaid two crimes.

7 In fact, medical certificate at Pages 50 and 54 show that persons from group of 'Deshmukh' had sustained serious injuries as against the injuries sustained by the present complainant which are simple in nature. It is submitted across the bar that all other accused are either released on regular bail or are protected by the order of anticipatory bail.

8 Considering the facts of the case and medico-legal certificate placed on record, I am inclined to grant this application. Hence, the following order:

(1) The Application is allowed.

(2) In the event of arrest of the applicants, each of them be released

on executing PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(3) The Applicants shall co-operate with the investigation and attend the concerned police station as and when required.

(4) The Applicants shall furnish their contact details and residential address so as to enable the I.O. to contact them as and when required.

(5) The Applicants shall not tamper with the prosecution evidence in any manner whatsoever.

(6) The Application is disposed of.

(SANDEEP K. SHINDE, J.)