HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 988 OF 2019

Shrikant Digambar Panhale … Applicant
Versus
The State of Maharashtra … Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 1025 OF 2019

Dattatray Vasant Panhale and Anr. … Applicants
Versus
The State of Maharashtra … Respondent

Mr. Ranjeet M. Pawar, Advocate for the Applicant in ABA 988/19.
Mr. Shailesh Kharat, Advocate for the Applicant in ABA 1025/19.
Mr. Prashant Jadhav, APP for the State/Respondent.
Mr. Krishnadev B. More, PSI, Wadgaon Nimbalkar Police Station, Dist. Pune.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 16th July, 2019.

P. C. :-

1. Both these applications are decided by this common order as they arise out of the same CR No. 188/19 registered at Wadgaon Nimbalkar Police Station, Dist. Pune under Sections 384, 452, 324, 323, 504, 506 read with 34 of the IPC and Section 39 of the

Maharashtra Money Lending (Regulation) Act 2014.

2. At the outset, it may be mentioned that criminal ABA No. 1025/19 was filed by two applicants by names Dattatray Vasant Panhale and Dipak Vasant Panhale, vide order dated 26th April 2019, this court has recorded that the application for applicant no. 2 Dipak Vasant Panhale was not pressed and his application was dismissed. Therefore, today I am considering the applications of applicant Shrikant Digambar Panhale in ABA 988/19 and Dattatray Vasant Panhale in ABA 1025/19.

3. The FIR in this case is lodged by one Malhari Mote on 3rd April 2019. He has stated that he was a labourer. His son Sarthak was suffering from medical ailment and he needed money for his treatment. The first informant approached the applicant Dattatray Panhale and requested for some loan. The applicant Dattatray Panhale gave him Rs. 20,000/-, but demanded interest @ 10% per month. He demanded Rs. 2000/- on every 29th day of the month. Since the first informant was in need of money, he accepted this term and took the money. The first informant was paying the interest since July 2018. In the month of March 2019, since the informant's financial condition was very bad, he could not pay the amount of interest. The applicant

Dattatray Panhale asked him to pay the money by making a few telephonic calls. However, on 2nd April 2019 when the informant was in his house, the applicant Dattatray Panhale came there, abused him and demanded his money. Applicant Dattatray Panhale called accused Dipak Panhale and asked him to bring other people with him. After some time, accused Dipak Panhale came there with the applicant Shrikant Panhale and one Sushant Panhale. Accused Dipak Panhale assaulted the first informant on his thigh and head with a wooden stick. When the informant's mother and wife tried to intervene, all the accused including the applicants assaulted them with fists and kick blows. Thereafter, he rescued himself and went inside his house. After some time, the accused left from there but before going they threatened and abused him. Based on these allegations FIR is lodged.

4. Heard Mr Pawar and Kharat, learned counsel for the applicants and Mr. Jadhav, learned APP for the State.

5. Both the learned counsel for the applicants submitted that the applicants and the first informant were relatives and the incident had taken place because of some petty quarrel. They submitted that the applicants were falsely implicated. They further submitted that other accused Dipak Panhale was already arrested and the weapon used in

the offence is recovered at his instance.

6. As against this, learned APP submitted that the informant is a poor labourer and the applicant Dattatray Panhale had harassed him on the account of payment of money. Therefore, these applicants deserve no sympathy.

7. I have gone through the investigation papers, which include the medical certificate in respect of injuries sustained by Malhari and his mother Hirabai. Hirabai had suffered one contusion on her left elbow, whereas Malhari has suffered three contusions on his face, head and thigh. All these injures are simple. The accused who had assaulted with wooden stick is on bail. Both the applicants had not assaulted the injured with any weapon like wooden stick. Therefore, at this stage, the role attributed to them in respect of assault is not serious. Dattatray Panhale is alleged to have pressurized the informant for the payment of money. Therefore certain conditions will have to be imposed on the applicants. However, their custodial interrogation for the purpose of investigation is not necessary. Hence, the order:-

ORDER

(i) In the event of their arrest in connection with CR No. 188/19 registered at Wadgaon Nimbalkar Police Station, Dist.

Pune, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.

(ii) Both the applicants shall not, in any manner, try to contact the first informant or presurrise him.

(iii) Applicants shall co-operate with the investigation.

(iv) Applicants shall attend the concerned police station on every alternate Sunday between 3.00 p.m. to 4.00 p.m. till filing of the charghseet.

(v) If any of these conditions is violated, the State can make an application for cancellation of this order.

(vi) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)