

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1066 OF 2019

Vilas Shripati Sabale & Ors.] ... Applicants

Versus

The State of Maharashtra] ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.1017 OF 2019

Dhairyashil Balaso Pawar & Ors.] ... Applicants

Versus

The State of Maharashtra] ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.1049 OF 2019

Ramesh Vilas Sabale & Ors.] ... Applicants

Versus

The State of Maharashtra] ... Respondent

Mr. Shailesh Chavan, Advocate for the Applicants in all ABA's.

Smt. A.A. Takalkar, APP for the State/Respondent.

API Kiran Shaligram attached to Satara Taluka Police Station present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 2nd AUGUST, 2019.

P. C. :-

1. All these applications are being decided by this common order because they arise out of the same C.R. No.67/2019 registered with Satara Taluka Police Station, District Satara u/sec. 307, 341, 141, 143, 147, 148 r/w 149 of I.P.C.

2. For the sake of convenience names of all the applicants are mentioned herein. ABA No.1066/2019 is preferred by the Applicants Vilas Shripati Sabale and Umesh Vilas Sabale. ABA No.1017/2019 is preferred by the Applicants Dhairyashil Balaso Pawar, Arvind Tanaji Jadhav, Ravindra Tanaji Jadhav and Dhanaji Khasaba Babar and ABA No.1049/2019 is preferred by the Applicants Ramesh Vilas Sabale, Sindhu Vilas Sabale, Jayawant Parbati Sabale, Swapnil Dhanaji Babar, Sagar Dinkar Jadhav and Ravindra Ramchandra Mane.

3. For the sake of convenience, all the applicants herein above are referred to by their names in the following paragraphs.

4. The FIR in this case is lodged by one Ramdas Kadav on 02/03/2019. He has described the incident dated 24/02/2019. He has stated in his FIR that, at about 1.00 p.m., informant's group was

taking dead body of their relative for cremation. At that time, the applicants' group had prevented them from taking it from their road. Thereafter, the informant's group had carried dead body from some other route.

5. After that, the first informant was travelling in his jeep. He was stopped by the applicants' group. According to him, the applicant Vilas Sabale and Umesh Sabale came near the jeep and they started attacking the jeep with wooden sticks. Because of that, windshield was broken. The informant claims that injuries were caused to his head and eye. At that time, wooden stick in the hand of the applicant Umesh Sabale was broken. Umesh pulled out the informant and pressed his throat. The first informant rescued himself and went towards the village in his jeep. On the way he met police officer Mulani. The police officer advised him to go to police station to lodge the FIR. Accordingly, the first informant was going towards Satara for lodging the FIR. Again at that time, the applicants stopped him. He has further mentioned in the FIR that, the applicants pulled him out of his vehicle and others assaulted him with wooden sticks and fists. He further alleged that the applicants Vilas and Ramesh pushed him. The

police officers and other villagers tried to intervene. He has further mentioned that, the applicant Ramesh assaulted Akash Kadav on his head with wooden stick. Thereafter, the informant and Akash Kadav were admitted to hospital and the FIR was lodged on 02/03/2019 u/sec. 307, 341, 141, 143, 147, 148 r/w 149 of I.P.C. at Satara Police Station.

6. The applicants are seeking anticipatory bail in connection with this offence.

7. Heard Mr. Shailesh Chavan, Ld. Counsel for the Applicants and Smt. A.A. Takalkar, Ld. APP for the State/Respondent.

8. Ld. Counsel for the applicants submitted that, the applicants' group had lodged their own FIR vide C.R. No.58/2019 on 24/02/2019 under various sections of I.P.C. The main section was 326 of I.P.C. That FIR was lodged by the applicant Sindhu. Mr.Chavan submitted that, in that C.R. now Section 307 of I.P.C. is added. He submitted that, as a counter blast to the FIR lodged by Sindhu, the present FIR is lodged against all the applicants. He submitted that, one Jayawant from the applicants' group suffered

grievous and serious injuries. Even others have suffered serious injuries. He therefore submitted that, the applicants are falsely implicated and therefore they deserve protection of anticipatory bail.

9. As against these submissions, Ld. APP relied on the investigation papers in respect of investigation carried out so far. Investigation papers show that the first informant Ramdas has suffered two injuries. There are multiple abrasions on left eye and cheek and tenderness on his back. There was no injury to his throat. All these injuries are described as a simple injuries. Another injured Vinay Kadav had suffered injury on occipital region. Akash Kadav had suffered one injury on high parietal region with dimension 3 x 1 x 1 cm. The injuries are caused with hard and blunt object and it was described as a grievous injury.

10. Ld. APP produced before me the statements of injured eye witnesses Akash and Vinay. Both of them have specifically corroborated the statement in the FIR in respect of their own injuries. However, they added that, the applicant Ramesh had assaulted Akash as well as Vinay with wooden stick. Akash had suffered head injuries as mentioned above. There is one statement of Dharmaji Babar who

has stated about first part of incident when the windshield of the informant's car was broken. He has named the applicant Umesh for that act. There is no reference that, the other applicant Vilas had broken that windshield. The important statement in this case is the statement of police constable Isak Mulani. He has mentioned in his statement that, after he had advised the informant to lodge the FIR at Satara Police Station, he was accompanying the first informant on his motorcycle. The informant was going in his jeep. He has stated that at Sablewadi Phata, the applicants Ramesh, Umesh, Vilas and Jayawant were present. Ramesh stopped the informant's car and started beating him. At that time, the informant's group came there with weapons like wooden sticks, iron rods and they started assaulting the applicants Ramesh, Umesh, Vilas and Jayawant. Thereafter, there was free fight between the groups as described by him in his statement.

11. I have considered these submissions and the statements in the investigation papers. As narrated by the police officer there was a free fight between two groups. The only serious role alleged against one of the applicants is of assaulting Akash Kadav on his head. That role

is attributed to the applicant Ramesh. The other allegations is against the applicant Umesh. The said applicant had stopped the informant's car at the first incident and had broken its windshield. The first informant was pulled out of the car. This was the first part of the incident. Witness Dharmaji had not stated that, Vilas had also taken part in attacking the car. Thus there are allegations against the applicant Umesh and Ramesh. Both of them are attributed same serious role in the incident. Otherwise it was a free fight between these two groups. Police Constable Mulani has not named the applicants Dhairyashil, Arvind, Ravindra and Dhanaji. Even roles of other applicants are not serious. Apparently, the applicants' group was attacked by the first informant's group as is reflected from the statement of the police constable Mulani. In this view of the matter, I am inclined to grant relief to applicants Vilas, Dhairyashil, Arvind, Ravindra, Dhanaji, Sindhu, Jayawant, Swapnil, Sagar and Ravindra. Their applications are allowed. The application of the applicant Umesh Sable and Ramesh Sable are rejected, as their custodial interrogation is necessary and as their role is serious. Hence, the following order.

ORDER

1. The application of the applicant Umesh Sable in ABA No.1066/2019 and the applicant Ramesh Vilas Sable in ABA No.1049/2019 are hereby rejected.
2. In the event of their arrest in connection with C.R. No.67/2019 registered with Satara Taluka Police Station, District Satara, the Applicant Vilas Shripati Sabale in ABA No.1066/2019, the applicants Dhairyashil Balaso Pawar, Arvind Tanaji Jadhav, Ravindra Tanaji Jadhav and Dhanaji Khasaba Babar in ABA No.1017/2019 and the applicants Sindhu Vilas Sabale, Jayawant Parbati Sabale, Swapnil Dhanaji Babar, Sagar Dinkar Jadhav and Ravindra Ramchandra Mane in ABA No.1049/2019 are directed to be released on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.
3. All the Applications stands disposed of accordingly.

(SARANG V. KOTWAL, J.)