

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

ANTICIPATORY BAIL APPLICATION NO.1359 OF 2019

Ganpat Raghu Mengade & Ors.

.... Applicants

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Satyavrat Joshi i/b. Nitesh J. Mohite, Advocate for Applicant.
- Mr.S.R. Agarkar, APP for the State/Respondent.
- PSI M.J. Mohile, Paud Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.73/19 registered with Paud Police Station, Pune, under sections 307, 143, 147, 148, 324, 323, 504, 506 r/w 149 of the Indian Penal Code.

2. The FIR is lodged by one Akash Kisan Karale on 26/02/2019 at around 07.20 a.m. The FIR is in respect of the

incident which had occurred on the earlier night at about 10.00 p.m. The first informant has mentioned in the FIR that there was some enmity between the Applicants' group and the first informant's group. In the night when the first informant and his family members were present in their house, the present Applicants and their other associates came there with hocky sticks and iron rods. The Applicant Ganpat Mengade was having wooden stick. The Applicant Devidas Mengade was having hocky stick. The other Applicants were having hocky sticks with them. After a few exchanges of words, the Applicants and others assaulted the first informant's group. In the instant case four persons from the informant's group namely Somnath, Rohidas Karale, Gurudas Karale, Akshay Karale and Akash Karale (first informant) suffered injuries. Based on these allegations, the FIR was lodged.

3. Heard learned Counsel Mr.Satyvrat Joshi for the Applicant and learned APP Mr.S.R. Agarkar for the State.

4. Learned Counsel for the Applicants submitted that the incident is not correctly described in the FIR. In fact, the Applicants' group was assaulted by the first informant's group for which their own FIR is lodged at the same police station on 27/02/2019. He further submitted that in any case considering nature of injuries, the offence of section 307 of IPC is not made out and custodial interrogation of the Applicant is not necessary.
5. On the other hand, the learned APP submits that it was a frequent occurrence in the area between these groups and it is creating law and order problem.
6. Considering the nature of injuries mentioned in the injury certificate it appears that the offence under section 307 of IPC may not be attracted. Of course, the said fact has to be decided during the trial. But at this stage, the injuries appear simple. The Applicants' group allegedly were carrying weapons and they could have caused much more damage if the statements in the FIR are of any indication. Therefore, at this

stage, there is scope to believe that the offence is not as serious, as it is sought to be made out in the FIR. Therefore custodial interrogation of the Applicants may not be necessary. However, the submissions made by the learned APP also cannot be ignored. It appears that in the area there are frequent quarrels and fights between these two groups, which is creating more problem for the residents. The learned Counsel for the Applicants submitted that the Applicants can be put to condition to stay outside the area. Considering these aspects I am inclined to grant anticipatory bail to the Applicants, with such condition. Hence following order is passed :

ORDER

- (i) In the event of their arrest in connection with C.R.No.73/19 registered with Paud Police Station, 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) The Applicants shall not enter Mulshi Taluka as the Paud Police Station is situated within that Taluka till filing of the charge-sheet.
- (iii) The Applicants shall inform the Investigating Officer in respect of the place of their residence.
- (iv) The Applicants shall attend Paud Police Station as and when called.
- (v) The Applicants are permitted to enter that area to attend all the Court cases.
- (vi) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)