

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

ANTICIPATORY BAIL APPLICATION NO.1371 OF 2019

Prakash Mogal Londhe & Anr.

.... Applicants

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Aniket Nikam i/b. Vivek N. Arote, Advocate for Applicants.
- Mr.S.H. Yadav, APP for the State/Respondent.
- PSI Mr.H.D. Raut, Salput Police Station, Nashik, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 16th AUGUST, 2019

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.I-195/19 registered with Satpur Police Station, Nashik, on 05/05/2019 under sections 395 of the Indian Penal Code.

2. The FIR is lodged by one Arun Murlidhar Jadhav. He has stated that on 05/05/2019, at about 04.00 p.m., while he was going back to his house in front of Micro Hospital, one Vijay

Jagtap and 3 to 4 others including the present Applicants approached him. Vijay assaulted him with some weapon on his back and waist. The others assaulted him with kicks and fist blows. They were assaulting him because he was working for a political party. It is alleged that the accused removed a gold chain, ring and amount of Rs.7,000/- to 8,000/-. On this basis FIR is lodged.

3. Heard learned Counsel Mr.Aniket Nikam for the Applicant and learned APP Mr.S.H. Yadav for the State.
4. Mr.Nikam submitted that Applicant's co-accused Vijay Jagtap has lodged counter case bearing C.R.No.I-196/19 at the same police station u/s 395 of the IPC. In that FIR, bearing C.R.No.I-196/19, complainant Vijay Jagtap has stated that on 05/05/2019 at about 04.00 p.m. while he was going to his house in front of Micro Hospital, one Arun Jadhav and 6 to 7 others approached him. Arun told him that they wanted to spread their importance in that area and therefore they wanted

to assert their supremacy. They started assaulting the first informant i.e. Vijay Jagtap with kicks and fist blows. One Waman Gaikwad removed Rs.6,500/- from his pocket and the other accused Avinash Shinde removed a ring from his hand.

5. Mr.Nikam therefore submitted that both the groups have lodged counter cases against each other and therefore FIR against the present Applicant was not believable. He submitted that on that particular date and time both the accused were present in Tryambakeshwar and for that function CCTV footage was available. They were not even present at the spot when the offence had allegedly taken place.
6. Learned APP Mr.Yadav has accepted that there were cases and counter cases by the two groups making similar allegations against each other.
7. Considering all these submissions it is apparent that the both the groups have lodged similar cases against each other on the basis of similar allegations.

8. I have perused the injury certificate for the injuries suffered by Arun Jadhav. He had suffered three injuries. All of them were described as simple injuries. The Informant Arun Jadhav has not attributed a particular role of assaulting with weapon to the present Applicant or a specific role to the present Applicant of removing his ring and Rs.7,000/- to 8,000/- from him. In view of the case and counter case, there is a strong possibility that the Applicants are falsely implicated. The claim of the present Applicants of being elsewhere at the time of incident can be seriously investigated. However custodial interrogation of the Applicants is not necessary. The Applicants are protected by order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.I-195/19 registered with Satpur Police Station, Nashik, 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)