

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

ANTICIPATORY BAIL APPLICATION NO.1425 OF 2019

Shrimant Bhimaraya Mhetre & Ors. Applicants

versus

The State of Maharashtra Respondent

Mr. Viral K. Rathod, Advocate for Applicants.

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

CORAM : SARANG V. KOTWAL, J.

DATE : 4th JULY, 2019

P.C. :

1. The applicants are seeking anticipatory bail in connection with C.R. No.255/2019 registered with Mangalvedha Police Station under Sections 143, 147, 148, 326, 324, 327, 504, 506 r/w. 149 of IPC.

2. The FIR in this case is lodged by one Rohan Yenappe on 10/6/2019. According to him, on 7/6/2019, his younger brother Prahlad was assaulted by Rameshwar Yenappe and Hanumant Yenappe and he was admitted in Civil Hospital at

Solapur. For that incident, the FIR was already lodged. On 8/6/2019, the first informant and his nephew Vijay Kumar were going on his motorcycle on Nandur Bagrale Road. At that time, Vijay Yenappe, Hanumant Yenappe and Rameshwar Yenappe assaulted him and his nephew with iron rods. In that incident, the first informant and his nephew suffered serious injuries. At that time, his relatives came on the spot. All of them chased the assailants near Zilha Parishad School at Nandur. They saw a Scorpio car near that school. It is the case of the first informant, that, applicants were present in that car. The informant and his group questioned the present applicants in respect of the earlier incident. At that time, the present applicants abused and threatened the complainant's group. Thereafter, the informant and his nephew went to Civil Hospital and thereafter FIR was lodged.

3. Heard Mr. Viral Rathod, Ld. Counsel for the applicants and Smt. Takalkar, Ld. APP for the State.

4. The allegations in the FIR make reference to three incidents. In the first incident, one Prahlad was injured and a separate FIR was lodged. In the second incident the informant Rohan and his nephew were assaulted by Hanumant, Rameshwar and Vijay Yenappe. Thereafter, the informant and his relatives were chasing the actual assailants. Even the first informant has not given any role of assault against the applicants. The only allegations are of giving abuses and threats. It is important to note that the applicants were present in the car and the first informant and his group were chasing other assailants. Therefore, on the face of the allegations, it is clear that the applicants had no involvement at all with the earlier part of incident. Therefore, they cannot be held responsible at this stage for the assault on the first informant or his nephew. In this view of the matter, the applicants deserve to be granted protection of anticipatory bail. Hence, the following order.

ORDER

1. In the event of their arrest in connection with C.R. No.255/2019 registered with Mangalvedha Police

Station, the applicants are directed to be released on bail on their executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties each in the like amount.

2. The application is disposed of.

(SARANG V. KOTWAL, J.)