

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1500 OF 2019

Akshay Deepak Bhivde & Ors.] ... Applicants

Versus

The State of Maharashtra] ... Respondent

Mr. Satyam Nimbalkar a/w Mr. Seoul Shah, Advocate for the Applicants.

Mr. Y.M. Nakhwa, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 11th JULY, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with C.R.No.177/2019 registered with Paud Police Station, Pune u/sec.307, 143, 147, 148, 109, 336, 123, 504, 506 r/w 149 of I.P.C. and under Section 37 (1) (3) r/w 135 of the Maharashtra Police Act.

2. The FIR was lodged on 08/04/2019 by one Chetan Bodake. It was lodged in respect of the incident dated 07/04/2019 which had taken place at around 8.00 p.m. According to the FIR, the applicants group consisting of around 40 people was moving in the village. At

around 9.00 p.m., the informant heard shouts from his house. When he rushed there, he saw that his uncle had lay unconscious on the floor. He was making inquiries, at that time the others from the applicants group including all the present applicants came there with weapons. The applicants Prashant and Swapnil were having iron rods and the applicants Akshay and Suraj were having swords. The others started pelting stones. After some time, they went away from the spot. The injured were removed to hospital and thus, the FIR was lodged. The investigation was carried out. The investigation reveals that uncle of the first informant had suffered serious injuries.

3. Heard Mr. Satyam Nimbalkar, Ld. Counsel for the Applicants and Mr. Y.M. Nakhwa, Ld. APP for the State/Respondent.

4. Mr. Nimbalkar submitted that there was a fight between two groups. He invited my attention to the counter FIR lodged by the applicants vide C.R. No.178/2019 u/sec. 326, 336 of I.P.C. etc., in which the first informant in this case and his group members were shown as accused. He submitted that, there the FIR of the first informant does not reveal true story. He submitted that the incident

had taken place in two parts and in the first incident applicants Swapnil and Akshay were involved.

5. As against this, Ld. APP produced the investigation papers before me. He invited my attention to the medical certificate of Chandrakant who had suffered serious injuries and there was blood around his eyes.

6. I have also perused the statement of the injured Chandrakant himself. He had stated that, initially the applicants Suraj and Akshay came there with swords and they started assaulting. When they were trying to assault one Pratik, Chandrakant himself intervened at that time, the other applicants Swapnil and Prashant came there with iron rods and assaulted him. Because of which he suffered injuries on his forehead and eyes. He became unconscious.

7. Considering the submissions in the FIR as well as the statement of the injured eye witness, the roles of the present applicants is clearly described. The offence is serious and the applicants do not deserve protection of anticipatory bail. Therefore, custodial interrogation of

the applicants is necessary. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)