

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1503 OF 2019**

1. Laxman Hasu Devkar
2. Hasu Devkar
3. Bhushan Devkar
4. Shrikant Devkar
5. Rupesh Devkar
6. Pankaj Devkar
7. Padmakar Dalvi

...Applicants

Versus
The State of Maharashtra

...Respondents

**WITH
CRIMINAL APPLICATION NO. 1039 OF 2019
IN
ANTICIPTORY BAIL APPLICATION NO. 1503 OF 2019**

Gajanan Mahadu Shelar

...Intervener

IN THE MATTER BETWEEN :

Laxman Hasu Devkar & Ors.

...Applicants

Versus
The State of Maharashtra

...Respondents

Ms. Meghana A. Gowalani for the Applicants

Mr. S. S. Hulke, A.P.P for the Respondent-State

Mr. Dheeraj Panchange for the Intervener in APPP/1039/2019

PSI Mr. Pradeep Arote from Kalyan Taluka Police Station, is present

**CORAM : REVATI MOHITE DERE, J.
TUESDAY, 6th AUGUST 2019**

P.C.

1 Heard learned counsel for the parties.

2 By this application, the applicants seek pre-arrest bail in connection with C.R. No. 287 of 2019 registered with the Kalyan Taluka Police Station, Thane Rural, for the alleged offences punishable under Sections 326, 324, 323, 504, 143, 144, 147, 148, 149 and 427 of the Indian Penal Code.

3 Learned counsel for the applicants had not pressed the application *qua* applicant No. 2-Hasu Devkar and applicant No. 3-Bhushan Devkar and had stated that the said applicants would surrender before the Investigating Officer on or before 23rd July 2019. Pursuant to the said statement made by the learned counsel on 17th July 2019, applicant Nos. 2 and 3 have surrendered before the Investigating Officer.

4 Learned counsel for the applicants submits that as far as applicant Nos. 1 and 4 to 7 are concerned, except the injured-Gajanan, all

the other injured have sustained simple injuries. She submits that there is a cross case filed as against the complainant and others. As far as applicant Nos. 1 and 4 to 7 are concerned, they have alleged to have assaulted with sticks. She submits that considering the role played by the said applicants, their custody is not required and their interim protection be confirmed.

5 Learned A.P.P does not dispute the role of the present applicants i.e. applicant Nos. 1 and 4 to 7 and the fact that a cross complaint is also lodged by the applicants' side as against the complainant and others.

6 Having regard to the injuries sustained and having regard to the role played by the applicants, the interim relief granted to the aforesaid applicants on 17th July 2019 is confirmed on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant Nos. 1 and 4 to 7 be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- each, with one or two sureties in the like amount ;

(ii) The applicant Nos. 1 and 4 to 7 shall report to the Investigating Officer of the concerned Police Station as and when called;

(iii) The said applicants shall not tamper with the evidence or attempt to contact or influence the complainant, witnesses or any person concerned with the case.

(iv) The said applicants shall inform their latest place of residence and mobile contact numbers and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The said applicants to cooperate with the conduct of trial.

7 The application is accordingly disposed of.

8 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

9 In view of the above order, nothing survives for consideration in the intervention application being Criminal Application No. 1039 of 2019. The same is accordingly disposed of.

10 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.