

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

ANTICIPATORY BAIL APPLICATION NO. 1717 OF 2019

Nandkumar Anandrao Nimbalkar & Anr. ...Applicants

Vs.

State of Maharashtra ...Respondent

- Mr. Kuldeep Patil I/b Mr. Prashant S. Hagare, Advocate for the Applicants.
- Mr. Prashant Jadhav, APP for the State
- Mr. V.S. Waghole, HC-1818, Walchandnagar Police Station, Pune.

CORAM : SARANG V. KOTWAL, J.

DATE : 5th AUGUST, 2019

P.C. :

1. The applicants are seeking anticipatory bail in connection with CR No. 308/19 registered at Walchandnagar Police Station, Pune under Sections 326, 324, 504, 506 read with 34 of the IPC.

2. The FIR is lodged by one Maloji Jamdar on 3rd July 2019 in respect of the incident dated 1st July 2019. According to the first informant, he was having disputes with the present applicants in respect of a piece of land. Civil proceedings were pending at Baramati and in the High Court. On 1st July 2019, at about 9.15 a.m., when he was passing through that land, the present

applicants intercepted and assaulted the informant Maloji and his brother Shahaji with sticks and knife. The neighbours came there and separated their quarrel. Thereafter, the injured were removed to the hospital and then, he lodged the FIR.

3. Heard, Mr. Kuldeep Patil, learned counsel for the applicants and Mr. Prashant Jadhav, learned APP for the State.

4. Mr. Patil, learned counsel for the applicants submitted that the FIR against the applicants is counter-blast to the FIR lodged by the applicant no. 2 against the first informant, his brother Shahaji and others. That FIR was lodged at the same police station on 2nd July 2019 vide CR No. 307/19 mainly under Section 324 and other sections.

5. Mr. Patil produced before me the injury certificates in respect of the injuries suffered by the applicants Ranjit and Nandkumar. The copies of those injury certificates are taken on record and marked as Exhibits 'X' and 'X1' for identification. Those injuries show that the applicant Ranjit had suffered four injuries. First three injuries were incised wounds. The longest incise would be of 13 cm in length. Thus, it is apparent that they had suffered

some serious injuries. Mr. Patil, therefore, submitted that to counter-blast these allegations the present FIR is lodged against the present applicants.

6. Learned APP produced before me the injury certificates in respect of injuries suffered by the first informant and his brother Shahaji. Shahaji has suffered simple lacerated cut admeasuring 3cm, which is described as simple injury. The first informant had suffered two injuries of length 5cm and 4 cm., they are described as lacerations. However, those injuries are described as grievous injuries.

7. On specific query put to the learned prosecutor, on instruction of the investigating officer, he makes a statement that there was no fracture suffered by either the first informant or his brother. The injuries were not life threatening and were not on vital parts. Therefore, it is difficult to hold even at this stage that, the injuries suffered by the informant and his brother were grievous. Therefore, at this stage, even offence punishable section 326 does not appear to be committed by the applicants.

8. Mr. Patil rightly pointed out that the same incident is

described in different manner by two different groups. The injuries suffered by the present applicant Ranjit are more serious.

9. In this view of the matter, there is a strong possibility that the applicants are implicated falsely and therefore, their custodial interrogation is not necessary though they have to cooperate with the investigation. Hence, the following order:-

ORDER

(I) In the event of their arrest in connection with C.R. No. 308/19 registered at Walchandnagar 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 attend the concerned police station as and when called by the investigating offer.

(iii) The application stands disposed off accordingly.

(SARANG V. KOTWAL, J.)