

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1763 OF 2019

Kisan Shrirang Nanaware & Ors.] ... Applicants

Versus

The State of Maharashtra] ... Respondent

Mr. Rupesh Zade, Advocate for the Applicants.

Mr. S.H. Yadav, APP for the State/Respondent.

Mr. Milind Deshmukh, Advocate for the First Informant.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 13th AUGUST, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with C.R.No.326/2019 registered with Wadgaon Nimbalkar Police Station, Pune Rural on 10/07/2019 u/sec. 307, 143, 147, 148, 324, 323, 504, 506, 427, 452 r/w 149 of I.P.C.

2. The FIR is lodged by one Vishnu Shinde. He has stated in his FIR that, he had come to reside with his cousin Suresh Holkar to help him in his agricultural work. On 07/07/2019, Suresh Holkar had called one Rahul Nanaware for discussion because Rahul was misbehaving with Suresh's sister-in-law. It is mentioned in the FIR

that, after the meeting was over, Rahul Nanaware and his family members left Suresh's house. Thereafter, Rahul's group including all the present applicants came to Suresh's house and pelted stones. It is alleged that, they entered Suresh's house forcibly. Accused Rahul, Amol and Babu assaulted the first informant and Suresh with axe, iron rod and wooden sticks. It is alleged that, the ladies were also present when the main accused Rahul pelted stones. In the incident, the first informant suffered serious head injuries in the nature of skull fracture. Based on these allegations, the FIR is lodged.

3. Heard Mr. Rupesh Zade, Ld. Counsel for the Applicants, Mr.S.H. Yadav, Ld. APP for the State/Respondent and Mr. Milind Deshmukh, Ld. Counsel for the First Informant.

4. Mr. Zade, Ld. Counsel for the applicants submitted that, Suresh had invited Rahul and his family members for discussion. At that time, Rahul and his family members were taken to a different room and were assaulted causing fracture to Rahul's mother who is Applicant No.9 here. One more applicant Rahul's uncle Kisan also suffered injury in the nature of fracture. After they came out, this incident has

occurred. Mr. Zade submitted that, the main accused Rahul, Amol and Babu who had caused injuries to the first informant are already arrested and are in custody. The other applicants are implicated falsely as a counter blast to the FIR lodged against Suresh's group.

5. Ld. Advocate for the first informant and Ld. APP submitted that, the injured informant has suffered serious injuries. They also submitted that, the stones pelted were collected from the spot.

6. I have considered submissions of both sides. I have seen the spot panchanama. The spot panchanama does indicate that, the stones were pelted on their house and some people were injured. The question is whether the present applicants should be arrested for investigation purpose. Looking at the background of the case, it is clear that, Suresh Holkar had invited Rahul Nanaware and his family members for discussion and thereafter, Rahul's family was assaulted. The present incident had occurred, thereafter by way of retaliation. The FIR is lodged against Suresh's group vide C.R. No.324/2019 on 08/07/2019. Therefore, at this stage it is difficult to accept the entire story in the FIR as it is. There is possibility that, some innocent

persons are implicated falsely. The main accused who have caused injuries to the informant are already arrested. In this view of the matter, custodial interrogation of the present applicants is not necessary, though, they will have to attend the police station and co-operate with the investigation. Hence, the following order.

ORDER

1. In the event of their arrest in connection with C.R.No.326/2019 registered with Wadgaon Nimbalkar Police Station, Pune Rural, the Applicants are directed to be released on bail on their executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.
2. The applicants shall attend the concerned police station as and when called and shall co-operate with the investigation.
3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)