

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1805 OF 2019

Rambhau @ Ramchandra @ Ram Nathsaheb]
 @ Nathu Karanjavane] Applicant

Versus

The State of Maharashtra] Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.1806 OF 2019

Ajay Rambhau @ Ramchandra @ Karanjavane] Applicant

Versus

The State of Maharashtra] Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.1807 OF 2019

Vijay Rambhau @ Ramchandra @ Karanjavane] Applicant

Versus

The State of Maharashtra] Respondent

Mr. Pravartak Pathak a/w Ms. Tanvi Sangle @ Mr. Omkar Keni,
 Advocate for the Applicants in all ABA's.

Ms. S.S. Kaushik, APP for the State/Respondent.

PSI Mr. Anil Lavate attached to Paud Police Station, Pune, present.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 19th SEPTEMBER, 2019.

P. C. :-

1. All these applications are being decided by this common order because they arise out of same offence. For the sake of convenience all the applicants are referred to by their names.
2. Anticipatory Bail Application No.1805/2019 is filed by the applicant Rambhau Karanjavane. Anticipatory Bail Application No.1806/2019 is filed by his son Ajay Karanjavane. Anticipatory Bail Application No.1807/2019 is filed by his another son Vijay Karanjavane.
3. The applicants are seeking anticipatory bail in connection with C.R.No.218/2019 registered with Paud Police Station, Pune Rural u/sec. 307, 324, 332, 353, 504, 506 r/w 34 of I.P.C.
4. The FIR is lodged by Police Constable Manoj Mane. He has stated that, on 04/05/2019 the Revenue Officers were present for carrying out measurements of the land belonging to Manoj Tipare. The police officers had gone there at that time for keeping bandobust. It is alleged that, around 11.00 a.m., the work of measurement started.

At that time all the applicants came there in a car. The applicant Rambhau and Vijay were having iron rods and the applicant Ajay was having wooden sticks. They went to the place where the measurement was going on and they started abusing and threatening the owners and the officers. The applicant Rambhau gave a blow of iron rod on the head of Mahesh Tipare. The Applicant Vijay tried to assault Manoj Tipare with iron rod. The blow landed on Manoj Tipare's chest. While they were being assaulted, the police officers tried to intervene. The Applicant Ajay assaulted the informant Manoj Mane on his right hand with wooden sticks and thereafter all of them went away from that spot. On this basis, the FIR is lodged.

5. Heard Mr. Pravartak Pathak, Ld. Counsel for the Applicants and Ms. S.S. Kaushik, Ld. APP for the State/Respondent.

6. Ld. Counsel for the applicants submitted that, there was long standing civil dispute between Manoj Tipare and his family on one hand and the applicants' family on the other. He submitted that, the Revenue Officer had initially fixed the date for measurement on 15/05/2019, but suddenly the same Revenue Officer passed the order

on the same day i.e. on 24/04/2019 and fixed the date for measurement on 04/05/2019. He therefore submitted that, the applicants were surprised and therefore, they had simply registered their objections.

7. Ld. APP opposed these submissions and relied on the injury certificate in respect of the injuries suffered by Manoj Tipare and Mahesh Tipare.

8. I have considered these submissions and perused the injury certificates. Manoj has suffered one serious injury on head. Though details of that injury and as to whether it is simple or grievous injury is not mentioned. The injury certificate show that, he had suffered head injury due to assault with iron rod. Therefore, at this stage, prima facie Section 307 of I.P.C. is properly applied. However, this role is basically attributed to the Applicant Rambhau Karanjavane. The other two applicants are given absolutely minor roles. The other injured Mahesh Tipare had suffered very minor injuries. In this view of matter, there is a possibility that, the Applicant Rambhau had exceeded the common object or common intention. However, that

question would be a matter of trial. At this stage, considering the minor role attributed to the applicants Ajay and Vijay, I am inclined to grant anticipatory bail to the applicants Ajay and Vijay. However, considering the serious role attributed to the applicant Rambhau, he is not entitled for the anticipatory bail. His custodial interrogation is necessary. Hence, the following order.

ORDER

1. The Application of Applicant - Rambhau @ Ramchandra @ Ram Nathsaheb @ Nathu Karanjavane in ABA No.1805/2019 is rejected.
2. In the event of their arrest in connection with C.R.No.218/2019 registered with Paud Police Station, Pune Rural, the Applicant - Ajay Rambhau @ Ramchandra @ Karanjavane in ABA No.1806/2019 and the Applicant Vijay Rambhau @ Ramchandra @ Karanjavane in ABA No.1807/2019 are directed to be released on bail on their furnishing 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.
3. All these Applications stand disposed of accordingly.

(SARANG V. KOTWAL, J.)