

Dusane

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

ANTICIPATORY BAIL APPLICATION NO.1879 OF 2019

1. Balaram Konduram Chabke
2. Kalpesh Sukar Gujar
3. Rushali Balaram Chabke

All r/o at Nagzari, Tal. Palghar
District Palghar

.... Applicants

Vs.

The State of Maharashtra

.... Respondent

Mr. Anikita Pawar i/by Mr. Samir A. Vaidya, for the Applicants.
Mr. P.H.Gaikwad-Patil, A.PP for the Respondent - State.

PSI – Mr. Alpesh Vishe, Manor Police Station, Dist. Palghar is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th SEPTEMBER, 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.109 of 2019 registered with Manor Police Station, Palghar, for the alleged offences

punishable under Sections 143, 147, 148, 149, 325, 504, 506 and 427 of the Indian Penal Code.

3. Learned counsel for the applicants submits that the incident took place on 22nd June 2019, when the applicants and their family members had gone to attend the 13th day ritual of one of the members of the family, belonging to the Adivasi community. It is alleged that after the rituals, the applicants assembled at Nagzari, Tambadipada, Samaj Mandir, Palghar. It is alleged that at about 11.45 p.m., one Surekha Suresh Mande and Rukshar arrived at the venue and hurled abuses at the applicant No. 1 and his family members who had assembled on the occasion of the 13th day ritual. It is alleged that within a few minutes, Surekha Mande called her relatives / associates, who immediately came to the spot and there was a quarrel between the two groups. Pursuant thereto, Surekha Mande lodged the aforesaid Complaint/ FIR as against the applicants and others, which was registered vide C.R. No.109 of 2019. In the said C.R., three persons sustained injuries i.e. Pragati, Sulbha and Bhaskar. It appears that a cross

complaint was also filed by the applicants' side i. e. by Nilesh Gujar, which was registered vide C.R. No. 110 of 2019 also alleging similar offences with the same police station. It appears that some persons on the Applicants' side also sustained injuries. A perusal of the Injury Certificate of Pragati shows that she has received bruise on the frontal region on her head; lacerated injury between her nose and lip; cut injury behind her left ear; and her one tooth had fallen which is stated to be a grievous injury. The injury sustained by Bhaskar is a simple injury on his right forearm. Similarly, injury sustained by Surekha on her right thigh is a simple injury.

4. The applicants were granted interim protection vide order dated 28th August, 2019 and were directed to report to the Investigating Officer. The applicants have reported as directed vide interim order dated 28th August, 2019.

5. Learned APP has also produced injury certificates of the injured in C.R. No. 110 of 2019 i.e. the cross F.I.R. A perusal of the injury certificates show that the applicant no.2

Kalpesh Sukar Gujar has sustained abrasion on his right elbow and nose and blunt trauma on his knee. The said injuries are stated to be simple. The applicant no.1, Balaram has sustained CLW over left index finger, which is stated to be a simple injury and another co-accused Ajay in the present C.R. has sustained an abrasion on his right forearm. It appears that the incident had taken place on the spur of moment. With respect to the said incident, both sides have lodged complaints against each other.

6. Having regard to the peculiar facts, custodial interrogation of the applicants is not warranted. The application is accordingly allowed. The interim order dated 28th August, 2018 is confirmed on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant 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 shall not contact the complainant, witnesses or any person concerned with the case.

(iii) The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

REVATI MOHITE DERE, J.