

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

ANTICIPATORY BAIL APPLICATION NO. 2203 OF 2019

Eknath Mahadeo Shete & Anr.	 Applicants
Versus	
The State of Maharashtra	 Respondent

Mr. Santosh S. Musale, Advocate for the Applicants.
Smt. A. A. Takalkar, APP for the State/Respondent.
Mr. S. V. Kadam, PSI, Rajgad Police Station present.

CORAM : SARANG V. KOTWAL, J.
DATE : 09th OCTOBER, 2019

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 255 of 2017 registered with Rajgad Police Station (Pune Rural), under sections 395, 323, 504 and 506 of the Indian Penal Code.

2. The FIR is lodged on 13/07/2019 by one Suresh Pangare. He has stated in his FIR that he has a long standing dispute in respect of boundaries of the agricultural land of the present applicants. The informant has Gut No.661 and the applicant has Gut No.675 at village Velu, Tal. Bhor. In the year

2017, the informant had got the measurement done from the authorities, but the dispute continued and the applicant No.1 was constantly quarreling with him. About three days prior to lodging of the FIR, one Babhul tree from the land of the informant fell in the land of the applicants. Because of that tree the electricity wires were cut. Therefore, the informant, his brother, one Kalyan Sangle and his workers were cutting branches of that tree, so that there should be no further risk because of the broken wires. On 13/07/2019, at about 1.00p.m. when this work was going on, both the applicants along with other family members came there. It is alleged that the applicant No.1 abused the informant. Others started assaulting him with kicks and fist blows. The ladies were abusing. It is alleged that the applicant No.1 assaulted Kalyan Sangle with kicks and fist blows. The applicant No.2 pelted stones on him. It is alleged that they thereafter took away the cutter from Kalyan Sangle and went away. On this basis, the FIR is lodged.

3. Heard Mr. Santosh Musale, learned counsel for the Applicants and Smt. A. A. Takalkar, learned APP for the State/Respondent.

4. Learned counsel for the applicants submitted that the FIR is lodged falsely because of long standing dispute between the applicants and the informant. The falsity of the FIR is clear from the fact that, even lady members of the family were implicated falsely. He submitted that the incident could not have taken place in the manner in which it is described in the FIR. Learned APP opposed this application and submitted that the cutter is still not found. The statement of Kalyan Sangle supports the case of the first informant and there are antecedents against both the applicants.

5. I have considered these submissions. Three ladies who are accused in this case are already granted anticipatory bail. The Investigating Officer did not want their custody. There definitely appears to be a long standing dispute between the parties. The tree had fallen down because of heavy rains. The informant and others were cutting branches of the tree. The FIR does not describe as to who had taken away the cutter forcefully. The informant was not alone. He was accompanied by Kalyan Singh, his workers and others, therefore, it is rather difficult to believe at this stage that

the applicants who were accompanied by one more male person could just snatch away the cutter and go away from the spot. The injuries suffered by Kalyan Singh and the informant are absolutely minor injuries. In this view of the matter, custodial interrogation of the applicants is not necessary. Though, they can be directed to attend the concerned police station and co-operate with the investigation.

6. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R. No. 255 of 2019 registered with Rajgad Police Station (Pune Rural), the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand each Only) with one or two sureties each in the like amount.
- (ii) The applicants shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)