

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

ANTICIPATORY BAIL APPLICATION NO. 2223 OF 2019

Tushar Bharat Dighe and others	 Applicants
Versus	
The State of Maharashtra	 Respondent

Mr. Piyush Toshnival i/b. Harshal S. Ptil, Advocate for the Applicants.

Mr. Prashant Jadhav, APP for the State/Respondent.

A. R. Chamanshaikh, HC/276, Ranjangaon MIDC Police Station present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 11th OCTOBER, 2019**

P.C. :

1. Applicants are seeking anticipatory bail in connection with C.R.No. 301 of 2019 registered with Ranjangaon MIDC Police Station, Pune, on 10/09/2019, under sections 141, 143, 147, 148, 307, 324, 341, 336, 323, 504 and 506 r/w. 149 of the Indian Penal Code.

2. At the outset, learned counsel for the applicants states

that the applicant Nos.1 and 2 are Juveniles and, therefore, in view of Section 12 of the Juvenile Justice Act, their case will have to be dealt with in accordance with the provisions of that Act and, therefore, he was not pressing the application for applicant Nos.1 and 2.

3. The FIR is lodged by one Sandeep Malgunde. He has stated in his FIR that, 06/09/2019 while he was going from his house towards Ranjangaon MIDC, near his agricultural land, Vaibhav Dighe and Atul Dighe intercepted him and started assaulting him with wooden sticks. The others from their family immediately came there. Raju Dighe tried to strangle the first informant. They were accompanied by all the applicants. All of them, started assaulting the first informant with wooden stick, kicks and fist blows. The informant's mother Samindrabai came there to protect him. She intervened. All the applicants assaulted her. The main accused Baban gave a blow of iron rod on her head. She fell down and became unconscious. The others from the locality came there and removed her to hospital. After she was

discharged from the hospital, the first informant lodged this FIR.

4. Heard Mr. Piyush Toshnival, learned counsel for the Applicants and Mr. Prashant Jadhav, learned APP for the State/Respondent.

5. Learned counsel for the applicant submitted that the FIR is highly exaggerated and none of the applicants had taken part in the fight. He submitted that the applicant's group was assaulted by the informant's group and in fact, one Bharat Dighe who is applicant No.11 in this application has lodged FIR vide C.R. No.293 of 2019 on 06/09/2019 itself at the same police station under sections 143, 147, 148, 337, 324, 504 and 506 r/w. 149 of the IPC against the first informant in this case and others. He, therefore, submitted that, all the applicants are belatedly, falsely implicated in the FIR lodged against them after four days. Learned APP opposed this application and produced before me the papers of investigation containing injury certificate.

6. I have considered these submissions and I have perused the injury certificate in respect of injuries suffered by the first informant and his mother Samindrabai. The first informant has suffered redness and oedema around the neck besides other injuries on other parts of the body. The mother of the first informant has suffered one serious injury on her head of size 6cm x 1cm which is described as grievous injury. This injury is directly attributed to the blow given by main accused Baban. It is doubtful at this stage, whether Section 149 can be brought in play by the investigating agency, because this blow was given by Baban after the applicants had allegedly already assaulted the injured. It is difficult, at this stage to observe that the applicants had shared common object with Baban of causing that injury in the facts of this case. Most of the applicants are ladies and two of them are more than 60 years of age. The applicant No.5 is 68 years of age. It appears that all the family members without exception including minor children aged about 12 to 15 years are roped-in in this FIR. Thus, at this stage, it does appear that FIR is highly exaggerated. In this view of the matter, custodial interrogation of the applicants

is not necessary and they deserve protection of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) The application for applicant Nos.1 and 2 is disposed of as not pressed.
- (ii) In the event of arrest of applicant nos.3 to 11, in connection with C.R. No. 301 of 2019 registered with Ranjangaon MIDC Police Station, 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.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)