

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.319 OF 2020

1. Sandip Rajaram Satkar	
2. Balasaheb Shankar Satkar	Applicants
versus	
The State of Maharashtra	Respondent

Mr.Rameshwar N. Gite for applicants.
Smt.Veera Shinde, APP, for State.
Mr.Vilas Tapkir for complainant.
Mr.Rajesh P Mali, PSI, Shikrapur Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 18th February 2020

PC :

1. This is an application for anticipatory bail in CR No.788 of 2019 registered with Shikrapur Police Station for offences under Sections 323, 326, 341, 504, 506 r/w 34 of Indian Penal Code.

2. The case of prosecution is that the complaint was lodged by Amol Satkar alleging that on 6th December 2019 at about 9 pm, the complainant and his brother Pramod Satkar were proceeding towards their agricultural land. They saw Sandip Satkar and Balasaheb Satkar (applicants) with their motorcycle. They stopped the complainant and his brother. They took out iron rod and assaulted them. Applicant no.1 assaulted the complainant on his head and applicant no.2 assaulted the complainant on his chest by iron rod. Pramod Satkar was assaulted by fist and kick blows and rod. The complainant Amol was taken to hospital for treatment. The FIR was lodged on 11th December 2019.

3. At the instance of applicant no.1 FIR was lodged with the same Police Station at CR No.778 of 2019 for offences u/s 307, 326, 323, 504, 506 of IPC. In the said FIR it was alleged that Amol Satkar had abused the applicants. He also threatened the applicants. Amol Satkar was armed with iron road whereas Pramod Satkar was armed with iron sickle. They assaulted the applicant no.1. Applicant no.1 has sustained grievous injury. The injury certificate of applicant no.1 states that he had sustained head injury, CLW and temporal pan region, whereas the complainant in the present case Amol Satkar had also sustained CLW over left parietal region and blunt trauma over right side of chest and abdomen.

4. The accused in the cross case lodged by accused Pramod Satkar and Hanumant Ingale had preferred application for anticipatory bail which was allowed vide order dated 27th January 2020.

5. Learned advocate for applicants submits that the applicant no.1 has lodged FIR first in point of time. The FIR against applicants was lodged after four days from the alleged date of incident. The applicant no.1 was hospitalized for a period of about 14 days. Applicant no.2 had also sustained injuries on his leg.

6. Learned APP submitted that both sides are at logger head. Both are involved in excavation of sand. Because of terror the citizens are not coming forward to lodge complaint. It is also submitted that members of public are not coming forward to give statement against the accused. It is also submitted that Amol Satkar has not been arrested in cross case.

7. Learned counsel for intervenor submitted that the offence is of serious nature. The applicants were involved in assault on Amol and Pramod. They were armed with weapons. The accused in cross case were granted bail by this Court considering role ascribed to them.

8. I have perused the documents. The FIR lodged against applicants by Amol Satkar alleges that Amol and his brother Pramod were assaulted by the applicants. When the cross FIR was lodged first in point of time against present complainant and others, apparently the complainant of this case is not arrested in cross case. I have also perused the injury certificates of applicant no.1 Sandip Satkar and applicant no.2 Balasaheb Satkar. Sandip Satkar had sustained head injury, abrasions and contusion. The head injury is of grievous nature. Balasaheb Satkar had sustained injury to scapula. It is seen that both sides were involved and both applicants were sustained injuries. The applicant no.1 was taking treatment in the hospital for 14 days.

9. Considering the aforesaid circumstances, case for grant of anticipatory bail is made out. Hence, I pass following order :

ORDER

(i) Criminal Anticipatory Bail Application No.319 of 2020 is allowed and disposed of;

(ii) In the event of arrest of applicants in connection with CR No.788 of 2019 registered with Shikrapur Police Station, District Pune, they be released on bail on furnishing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;

(iii) The applicants shall report the Investigating Officer on 27th February 2020, 28th February 2020 and 2nd March 2020 between 11 am and 1 pm and thereafter as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST