

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL ANTICIPATORY BAIL APPLICATION NO.840 OF 2020**

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Aditya Balu @ Balaso Sartape & Ors. .. Applicants  
Versus  
The State of Maharashtra .. Respondent  
...

Mr.Rajendra Bansode for the Applicants.

Mr.S.V.Gavand, APP for the State.

**CORAM: BHARATI DANGRE, J.**

**DATED : 8<sup>th</sup> DECEMBER, 2020**

**P.C:-**

1. The three applicants have approached this Court seeking protection in anticipation of their arrest in C.R.No.185 of 2020 registered with Mhaswad Police Station on 13<sup>th</sup> August, 2020. The said C.R. invoke Sections 143, 144, 147, 148, 149, 323, 324, 307, 504, 506 and 188 of the Indian Penal Code read with Section 51 B of the Disaster Management Act and Section 11 of the Maharashtra Covid-2019 Act.

2. The complainant is one Ranjeet Sartape, who lodged the complaint to the effect that on 11<sup>th</sup> August, 2020, he received a phone call from his brother Akash that he was being manhandled by accused Gajanan Sartape and he should immediately come near Maryayi temple. When he was moving

towards the temple, he saw other accused persons assaulting his brother by wooden stick. When he attempted to get out of the car, it is alleged that the applicants rushed towards him, abused him and with the deadly weapons in their hands, assaulted him. It is alleged that applicant No.1-Aditya was having sharp knife whereas applicant No.2 was holding scissors and applicant No.3 was armed with wooden stick. They threatened the complainant that they will not keep him alive. It is alleged that the complainant sustained injuries on his head and chest. In the meantime, his mother arrived at the spot and attempted to restrain the applicants, but the family members of the applicants also assaulted her and his younger brother. The friends of the complainant interfered and came to his rescue. He lodged report with police station and was taken to Primary Health Centre, Mhaswad and was further referred to the City Hospital, Satara. He came to be admitted in a private hospital and got his statement recorded on 13<sup>th</sup> August, 2020. The said C.R. is numbered as 185 of 2020 and registered at 00.30 hours on 13<sup>th</sup> August, 2020. The occurrence of the offence is stated to be at 13.45 hours on 11<sup>th</sup> August, 2020.

3. Another FIR came to be registered with the same police station on 12<sup>th</sup> August, 2020 for the offence punishable under Sections 307, 323, 324, 143, 145, 147, 148, 504, 504 and 188 of the Indian Penal Code and also invoking the provisions of the Disaster Management Act and Section 11 of the Maharashtra

Covid 2019 Act. The complainant in the said FIR is applicant No.1 and it refer to the same incident, which resulted into registration of C.R.No.185 of 2020. The applicant have sustained injuries and the learned counsel has placed on record the injury certificate of applicant No.1, which reflect that in the incident, he had sustained the grievous injury and bone of his hand was fractured. One of his finger was also required to be amputated. The three injuries are suffered by applicant No.1 out of which, two are grievous and one injury is simple. The injury certificate opine that the said injuries can be caused by hard and blunt object.

4. As far as the injured in C.R.No. 185 of 2020 are concerned, Akash has sustained three simple injuries. First one being on the frontal head and two injuries on left and right elbow with no marks. Chotu Sartape, as per the injury certificate, has suffered one abrasion and blunt trauma on back side of neck and right thigh. All the injuries are classified as simple. Ranjeet has suffered one CLW on left temporo parietal region, which is grievous injury. Other injuries are simple.

5. The applicants are young boys pursuing their education. Applicant No.1 is a student of Mechanical Engineering, applicant No.2 is undergoing medical treatment for Brain Tumor and applicant No.3 is also a student studying in second year of graduation. The reason for the occurrence of the

incident has surfaced in the order passed by the learned Additional Sessions Judge, Vaduj dated 7<sup>th</sup> November, 2020 and it is on account of the love affair between Anjali and Akash Sartape. Recording that there are cross FIRs, co-accused namely Gajanan, Surekha and Sakshi are released on anticipatory bail.

Considering the nature of allegations levelled and the fact that there are cross FIRs levelling allegations against each other and in view of the fact that the applicants are young boys with no criminal antecedents, they are entitle for protection in the event of their arrest. Hence, the following order.

: **ORDER** :

- (a) Application is allowed.
- (b) In the event of arrest in C.R.No.185 of 2020 registered with Mhaswad Police Station, applicant No.1-Aditya Balu @ Balaso Sartape, applicant No.2-Harshad Gajanan Sartape and applicant No.3-Punyajit Gajanan Sartape shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- each with one or two sureties of the like amount.
- (c) The applicants shall make themselves available as and when required by the Investigating Officer.

(d)The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

6. The Application is disposed of in the aforestated terms.

**SMT. BHARATI DANGRE, J**