

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.868 OF 2020

Suhas Damodar Sarvade ..Applicant
V/s.
State of Maharashtra ..Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.819 OF 2020**

Jagannath Kisan Sarvade ..Applicant
V/s.
State of Maharashtra ..Respondent

Ms.Vilasini Subramaniam i/b Mr.Jaydeep D. Mane for the
Applicants.

Mr.Ajay Patil, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

**DATE : 17th DECEMBER 2020
(Through Video Conferencing)**

PC.

1. Both these applications arise out of Crime No.267 of 2020 registered with Mohol Police Station, District-Solapur. The applicants are the co-accused in the aforesaid offence under Section 307, 327, 324, 323, 427, 143, 147, 148, 149, 188, 504 and 506 of the Indian Penal Code and Section 35 of the Maharashtra Police Act, 1951.

Nilam Kamble
Digitally signed
by Nilam Kamble
Date: 2020.12.17
17:17:27 +0530

2. It appears that the incident in question happened on 20th April 2020 at about 9.30 p.m. near the house of the complainant Sudhakar Sarvade.

3. With the assistance of the learned counsel for the applicants and the learned Additional Public Prosecutor I have gone through the complaint lodged by Sudhakar Sarvade.

4. It appears that although both the applicants i.e. Subhash Shinde and Jaganath Shinde are named in the FIR, the complainant does not attribute any assault or any other overt act by applicant Suhas Sarvade. Insofar as the applicant Jaganath Shinde is concerned it is alleged that he assaulted Tejashree Sarvade, wife of the complainant by a stick.

5. The learned counsel for the applicants pointed out that some of the co-accused have been granted anticipatory bail by this Court in LD/VC/DIST/ABA/120 of 2020 by order dated 24th July 2020. The learned counsel for the applicants, however in all fairness did not dispute that none of these co-accused are named in the FIR. However, it is submitted that there is a counter complaint lodged by Sunita, wife of Jagnath against the complainant and others on the

basis of which an offence at Crime No.266 of 2020 is registered under Section 326, 504, 506 of the Indian Penal Code.

6. The learned counsel points out that it was Somnath Gaikwad from the side of the applicant has sustained injury in the said incident.

7. The learned Additional Additional Public Prosecutor submits that there is no injury suffered by Tejashree Sarvade.

8. In that view of the matter, the following order is passed.

ORDER

(i) In the event of their arrest, in connection with investigation of Crime No.267 of 2020 registered with Mohol Police Station, District-Solapur, the applicants shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.

(ii) The applicants shall attend the investigating officer once in two weeks on every Monday between 11.00 a.m. to 1.00 p.m. and as and when required by

the investigating officer and shall co-operate with the investigating agency.

(iii) The applicants shall not tamper with the prosecution evidence/witnesses.

(iv) In the event of the breach of any of the conditions, the interim protection is liable to be vacated.

(v) The Criminal Applications are disposed of in the aforesaid terms.

C.V. BHADANG, J.