

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1186 OF 2020

Chandrashekhar Mohansingh
Pardeshi and Ors. = APPLICANTS

VERSUS

The State of Maharashtra = RESPONDENT/S

Mr.RS Pawar, Advocate for Applicant;
Mr.AV Deshmukh, APP for Respondent-State;

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 23rd March, 2021.

PER COURT :-

1. The applicant is apprehending his arrest in connection with CR No.1442/2020, dated 7.11.2020, registered with Nandurbar City Police Station, Nandurbar for the offences punishable under Sections 292, 354, 324, 326, 504, 506 read 34 of IPC and, therefore, the present application has been filed under Section 438 of Cr.P.C.

2. Heard learned Advocate for applicant and learned APP for Respondent-State. In order to cut short it can be stated that both of them have made submissions in support of their respective contentions.

3. The FIR has been lodged by one Kiran Kundan Raghuwanshi. The present applicant is

(2)

residing in the neighbourhood of the informant. The FIR states that on 6.11.2020, when she and her husband were in their Court-yard with their pet dog, at that time, present applicant No.1-Chandrakant whistled seeing the informant, whereupon, husband of the informant asked applicant No.1 as to why he whistled, applicant No.1 then told that he has whistled by looking at the the informant and he said that started quarrel by saying that he may do what he wants to do. Then, husband of the informant told that he would lodge report against him with the police. Then, the applicant No.1 enraged by this, brought an iron rod and while abusing gave blow of the rod on the head, back, right shoulder of husband of the informant. The other applicants came at that place and they also started assaulting the informant as well as her husband, Applicant No.4 – Kunal Pardeshi had then snatched Mangalsutra of the informant. When blood started oozing from head and shoulder of the husband of the informant, those persons fled away. Their dispute was separated by other persons from the vicinity. The husband of the informant was taken to the police station and then he was referred to the civil hospital for treatment. Thereafter, the informant has lodged the report.

4. At the outset, it is to be noted that, when the matter was before this Court on 21st December, 2020, by a speaking order, this Court had come to the conclusion that applicant Nos. 1 and 4 do not deserve the extra-ordinary relief under

(3)

Section 438 of Cr.P.C. and, therefore, their application stood rejected. However, interim protection was granted in favour of applicant Nos. 2 and 3, which is continued till today. Therefore, the present application is restricted to the extent of applicant Nos. 2 and 3 only. The allegations against them are that they have assaulted the informant and her husband by kick and fist blows and road. However, further specific role has not been attributed to them. It appears that only one iron rod has been recovered during the course of the investigation. When the interim protection was granted at that time, a condition was put that applicant Nos. 2 and 3 shall remain present before the Investigating Officer as and when called by him. It appears from the police papers that the Investigating officer never tried to call them for the purpose of investigation and still now he comes with a case that iron rods are required to be recovered. The statements of the neighbouring persons, who had intervened, would show that though presence of applicant Nos. 2 and 3 has been stated, none of them have stated that these two persons were holding iron rod. Therefore, when the custody was made available to the investigating officer by calling the applicants as and when required by him; yet he has not availed that liberty and, therefore, the said interim protection granted in favour of applicant Nos. 2 and 3 deserves to be confirmed. Hence, the following order, -

(4)

ORDER

i. The interim protection granted by this Court in favour of applicant Nos. 2 and 3 by order dated 21st December, 2020 is hereby made confirmed and absolute.

ii. In the alternative, in the event of arrest of the applicant No.2 – Vishal Sudhir Pardeshi and applicant No. 3 – Harish Sudhir Pardeshi, in connection with CR No.1442/2020, dated 7.11.2020, registered with Nandurbar City Police Station, Nandurbar for the offences punishable under Sections 292, 354, 324, 326, 504, 506 read 34 of IPC, they be released on PR and SB of Rs.15,000/- each,

iii. The applicants shall not indulge in any criminal activity nor shall tamper with the prosecution evidence in any manner and shall cooperate with the police during investigation.

iv. The Anticipatory Bail Application stands disposed of in above terms.

(SMT. VIBHA KANKANWADI)
JUDGE