

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 1270 OF 2021**

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| 1. | Jaydeep Sakharam Pinjan
Age 25 years, Occu: Agri. | ... | Applicants |
| 2. | Punjaram Laxman Lokane
Age 35 years, Occu: Agri | | |
| 3. | Mahadu Peeran Malik
Age 70 years, Occu: Agri. | | |
| 4. | Gambhir Rodmal Shelke
Age 30 years, Occu: Agri. | | |

All R/o Sonewadi Tq. & Dist.Dhule.

VERSUS

The State of Maharashtra, Through Dhule Taluka Police Station, District Dhule.	...	Respondent
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Mr. Amol S. Sawant, Advocate for the applicants,
Mr. S. B. Narwade, A.P.P. for the State.

WITH

ANTICIPATORY BAIL APPLICATION NO. 1245 OF 2021

Bhausahab s/o Subhash More Age 31 years, Occu: Agriculture R/o Village Sonewadi Tq. & Dist. Dhule	...	Applicant
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VERSUS

The State of Maharashtra, Through Dhule Taluka Police Station, District Dhule.	...	Respondent
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Mr. Jitendra V. Patil, Advocate for the applicant
Mr. S. B. Narwade, A.P.P. for the State.

CORAM	: PRAKASH D. NAIK, J.
DATE	: 30th November, 2021

ORDER:

1. The applicants are apprehending arrest in Crime No. 196/2021 registered with Dhule Taluka Police Station, District Dhule for the offences punishable under Sections 307, 452, 354, 427, 143, 144, 147, 148, 149, 323, 504, 506 of the Indian Penal Code (for short "IPC").
2. Complaint is lodged by Komal Gotu Gawali on 2nd June, 2021. It is alleged that his wife has lost Gram Panchayat Elections in January, 2021. At that time, Gorakh More, Bhausahab More, Jaydeep Pinjan and Rahul Pinjan had threatened him. Complaint was lodged with Police. On 01.06.2021, the complainant was proceeding on his motorcycle. Gorakh More stopped him. He picked up quarrel and called his relatives. Yogesh Pinjan, Krishna Golangi, Gorakh More, Mahadu Malik, Gambhir Shelke came with sticks, Axe, rod. Complainant shouted for help. His cousin Salu Gawali, Shantaram Gawali, wife Chitra Gawali, sister-in-law Sunita Gawali came to the spot. Yogesh Pinjan assaulted Salu Gawali with axe on his head. He was injured. Rahul Pinjan assaulted Shantaram Gawali by iron rod on his back. All pelted stone and bricks on them. Sunita Gawali suffered minor injury. Krishna Golangi and Bharat Golangi assaulted complainant's wife by first/kick blows and tore her blouse and outraged her modesty. She lost her ornaments from her person. Bharat and Krishna entered into house and caused damage to property.

3. The applicants preferred application for anticipatory bail before the Sessions Court. The said application was rejected on 06.10.2021.

4. Learned Advocates appearing for the applicants submitted that although the applicants are named in the first information report, no specific overt act of assault has been attributed to them. Allegations are of general nature. Bharat Golangi and Yogesh Pinjan who had assaulted by Axe were arrested and granted bail. Charge sheet has been filed against the arrested accused. Injury certificate of the injured person does not correspond to the version of the witnesses. Injuries sustained are of simple nature.

5. Learned APP submits that the applicants have participated in the crime. During the course of investigation statements of several witnesses were recorded. In the statements role has been assigned to the applicants. Accused Jaydeep Pinjan had participated in the assault which is evident from the subsequent statements. While the investigation of the present case was in progress, applicant No.1 and Yogesh Pinjan were involved in another offence registered with Chalisgaon Road Police Station, Dhule vide Crime No.291/2021 for the offences under section 452, 354, 323, 504,506 r/w 34 IPC. The said FIR was registered on 10.11.2021.

6. Learned counsel for the complainant submitted that the investigating machinery has not been doing investigation properly.

Although there was no interim protection, the accused were not arrested. Applicant No.1 Jaydeep Pinjan is involved in the offence registered with Chalisgaon Road Police Station. Said offence was committed after registration of the present offence. All the accused were involved in unlawful assembly and they have participated in the crime. Custodial interrogation of the applicants is necessary.

7. In rejoinder, the learned advocate for the applicants submitted that false case was registered vide Crime No.291/2021. The complainant therein is wife of the complainant in the present FIR. It is submitted that place of residence of the complainant shown in the second FIR is different.

8. On perusal of the documents it is apparent that while lodging FIR although the applicants are named in FIR but specific overt act of assault by weapon has not been attributed to them. The injury certificate of Salu Gawali refers to incised wound on forehead. Injury certificate of Shantaram Gawali refers to swelling on back. Sunita Gawali suffered abrasions, Komal Gawali sustained blunt trauma. FIR is lodged by Chitra Komal Gawali on 10.11.2021. The incident alleged therein had occurred on 09.11.2021. It was lodged against Yogesh and Jaideep Pinjan with Chalisgaon Road Police Station. The place of residence of complainant is shown as Maruti Nagar, Plot No.6, Chalisgaon Road. It is alleged that her husband had gone out.

Children were not in house. The accused entered her house and threatened her for lodging complaint by her husband. They outraged her modesty. The first informant in the present FIR has given his address as resident of Sonewadi, Taluka Dhule. Report was received by learned APP from Chalisgaon Road Police Station regarding Crime No.291/2021 lodged by Chitra Gawali stating that the investigation revealed that FIR is false and hence accused were not arrested. The report is taken on record. In the circumstances, case for grant of anticipatory bail is made out. Hence, I pass the following order :-

ORDER

- i. Anticipatory Bail Application No. 1270 of 2021 and 1245 of 2021 of are allowed;
- ii. In the event of arrest of the applicants in No. 196/2021 registered with Dhule Taluka Police Station, District Dhule , the applicants be released on bail on executing 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 8th, 9th and 10th December, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of the charge sheet.
- iv. The applicant shall not tamper with the evidence.
9. Anticipatory Bail Applications stand disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC