

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3058 OF 2021

1. Nivrutti Laxman Mane	
2. Mahesh Laxman Mane	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. J.B.Mane for the Applicants.

Ms. P.P.Shinde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 9th SEPTEMBER, 2021
(Through Video Conferencing)

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 448 of 2021 registered with the MIDC Police Station, Solapur, for the alleged offences punishable under Sections 307, 506, 327, 143, 148, 149 of the Indian Penal Code.
3. Perused the papers. The applicant No.1 is a teacher and both the applicants are brothers. According to the first informant – Virendra

Dilip Mhaske, on 17th July, 2021 at about 12.30 p.m., the applicants alongwith other co-accused assaulted him and his mother Shashikala with iron rods and sticks. Pursuant thereto, the first informant lodged the aforesaid C.R. alleging the aforesaid offences.

4. With respect to the same incident dated 17th July, 2021, the applicant No.2's wife, Pooja Mane also lodged a cross FIR i.e. C.R.No.449 of 2021 with the same Police Station, as against the complainant – Virendra Mhaske and others for the alleged offences punishable under Sections 354, 327, 323, 506, 143, 148, 149 of the Indian Penal Code.

5. The applicant No.2's wife – Pooja Mane, in her cross complaint has alleged that the complainant in the present C.R. i.e. Virendra Mhaske and his friends would tease the female family members of her family; that the applicant's family members had complained to the police, however, the police had not taken any cognizance of their complaint against Virendra Mhaske, his friends and family members. She has further alleged that on 17th July, 2021, Virendra Mhaske and his companions assaulted the applicants and others and also outraged the modesty of the female family members and snatched her mangalsutra.

6. Learned APP states that after the cross case was registered as against Virendra, he absconded and as such, his injuries could not be assessed by the Doctor and the same is also recorded in the injury certificate. It appears that subsequently, Virendra Mhaske was arrested and thereafter released on bail. Perused the Injury Certificate of Virendra Mhaske's mother - Shashikala. The injuries of Shashikala are stated to be simple. It appears that Shashikala had received a CLW on the left temporal region and on the scalp and left thigh. Apart from the same, no other injury was seen.

7. Considering the aforesaid, in the facts, the applicants have made out a case for grant of bail. Accordingly, the application is allowed and the applicants are enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicants be released on cash bail in the sum of Rs. 15,000/- each, for a period of six weeks;
- (ii) The applicants shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs. 15,000/- each with one or two sureties in the like amount;

(iii) The applicants shall attend the concerned Police Station on the every Saturday, between 10:00 a.m. to 12:00 noon, till the filing of the chargesheet;

(iv) The applicants shall inform their latest places of residence and mobile contact numbers, if any, soon after being released on bail and/or if there is any change of residence or mobile details, time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicants to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(vi) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.