

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.53 OF 2020

Surekha Dattatraya Saykar and others	Applicants
versus	
The State of Maharashtra and another	Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO.56 OF 2020

Nitin Nivrutti Saykar and others	Applicants
versus	
The State of Maharashtra and another	Respondents

WITH
INTERIM APPLICATION NO.1170 OF 2020
IN
ANTICIPATORY BAIL APPLICATION NO.56 OF 2020

Namdeo Raghunath Saykar	Intervenor
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In the matter between :

Nitin Nivrutti Saykar and others	Applicants
versus	
The State of Maharashtra and another	Respondents

Mr.Niranjan Mundargi i/by Mr.Chaitanya Nikte, Advocate for applicants in both ABAs.

None for intervenor.

Mr.S.R.Agarkar, APP, for State.

Mr.Kapil H. Bhalerao, PSI, Chatushringi Police Station, Pune City, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 18th September 2021

PC :

1. The applicants in both these applications are apprehending arrest in C.R. No.6 of 2020 registered with Chaturshingi Police

Station, Pune for offences punishable under Section 326, 323, 427, 504, 141, 143, 147, 148 & 149 of Indian Penal Code.

2. Cross FIR has been registered with Chatushringi Police Station, Pune vide C.R. No.13 of 2020 by Shekhar Saykar against opponent and the offences were registered under Section 324, 504 and 506 of Indian Penal Code against Namdeo Saykar, Vaishali Saykar and Shweta Saykar.

3. The case of complainant is that there is dispute between complainant and their neighbours Nivrutti Saykar, Dattatray Saykar and Suresh Saykar since last 7 to 8 months on use of public road. The applicants were preventing them from using road. On 2nd January 2020 while complainant's daughter was standing in front of house, Shekhar Saykar came there. She was abused. Her T-shirt was pulled. Complainant's wife intervened. She was abused and threatened. Accused came with lathi and attacked complainant and others. They were assaulted. They sustained fracture and other injuries.

4. The applicants in Anticipatory bail Application No. 53 of 2020 are ladies and the applicants in Anticipatory Bail Application No. 56 of 2020 are the relatives. The contention of the applicants is that the complainant in the present case and others were aggressive. They were armed with weapons and they had assaulted the applicants. Reliance is placed on the video recording of the incident which according to the applicants, indicates that the opponents were assaulting the applicants. It is submitted that some of the applicants had sustained injuries which is borne out by the injury certificates

annexed to this application. Cross FIR is registered against applicants.

5. Learned APP submits that the complainant in the present case had sustained three injuries including the fracture to right heel contusion and wife of the complainant had also received head injury.

6. Contention of the applicants is that in fight which was started by the opponents there may be some injuries. The applicants have cooperated with the investigation and produced video recording of the incident.

7. Applicants were granted interim relief by order dated 9th July 2020. They were directed to attend investigating officer. It is not disputed that applicants have complied directions in interim order.

8. Learned APP pointed out the injury certificate which indicate that Vaishali had sustained simple injuries to head and CLW with contusions. Namdeo had sustained head injury and fracture to tibia and contusions which were grievous and simple.

9. Learned counsel for applicant submitted that pursuant to the interim order, they had attended Police Station and provided video clips which were relied upon by applicants to the Investigating Officer and they have co-operated with investigation.

10. Considering the aforesaid factual aspects, the applicants need not be subjected to custodial interrogation. Interim protection granted by this Court can be confirmed. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application Nos.53 of 2020 and 56 of 2020 are allowed and disposed of;
- (ii) Interim order dated 9-1-2019 is confirmed;
- (iii) In the event of arrest of applicants in both the applications in CR No.6 of 2020 registered with Chatushringi Police Station, Pune, the applicants be released on bail on executing PR bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;
- (iv) The applicants shall appear before Investigating Officer as and when called for till filing of charge sheet;
- (v) The Interim Application is disposed of.

(PRAKASH D. NAIK, J.)

MST