

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

**CRIMINAL BAIL APPLICATION NO. 181 OF 2021**

|                          |                 |
|--------------------------|-----------------|
| 1. Khanna Singh Kalyani  |                 |
| 2. Pilli Singh Kalyani   | .... Applicants |
| Versus                   |                 |
| The State of Maharashtra | .... Respondent |

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Mr. Subhash Jha a/w. Hare Krishna Mishra i/b. Law Global  
Advocates for Applicants.  
Smt. A. A. Takalkar, APP for State/Respondent.

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**CORAM : SARANG V. KOTWAL, J.**  
**DATE : 06<sup>th</sup> APRIL, 2021**

**P.C. :**

1. The Applicants are seeking their release on bail in connection with C.R.No. 205 of 2020 registered at Yerwada police station, Pune city, under sections 307, 385, 387, 324, 143, 147, 148, 427 r/w. 149 of the Indian Penal Code (for short 'IPC') and under sections 4 and 25 of Indian Arms Act.
2. Heard Shri. Subhash Jha, learned counsel for the applicants and Smt. Takalkar, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is

lodged by the injured Kundansingh Bawari himself. He has stated that, on 24/02/2020 the applicant No.1 called him telephonically and demanded Rs.1 lakh as extortion money. The informant expressed his inability to pay that amount. On 06/03/2020 there was a wedding ceremony in the family of the informant. At that time, the applicant and others from his group were not invited. Therefore, the applicant and his group were upset. At about 10:00p.m. when the informant was present in front of one Madan scrap shop, both the applicants and 9 to 10 other associates came there in 3 to 4 cars. They were carrying weapons like sickle, sword, hockey stick. Suddenly they started assaulting the informant. They tried to give blows with sword and sickle. The informant avoided those blows. His two wheeler was damaged because of these weapons and blows. He pushed the assailants and started running towards his house. Applicants and one Makhansingh Kalyani chased him with sword and sickle. Assailants also damaged some two wheelers and four wheelers. Police van came there and, therefore, all the assailants ran away from the spot. On this basis, the F.I.R. was lodged.

4. Learned counsel for the applicants submitted that the applicants are falsely implicated. They are on inimical terms with the informant and they are also in bad books of local police station, therefore, they have applied major sections like 307 and 387 of IPC for a minor incident. He submitted that, one Makhansingh Kalyani was granted anticipatory bail and Amitabh Junni and Nilesh Khandagale were granted regular bail. Therefore, on the ground of parity also applicants deserve to be released on bail.

5. Learned APP opposed this application. She submitted that all the sections applied against the present applicants are based on the allegations. There was demand of extortion money. There was assault with weapons and serious assault was mounted on the victim and, therefore, section 307 of IPC is also properly applied. She submitted that there are 33 serious offences against the applicant No.1 and there are 12 antecedents against the applicant No.2. She submitted that the applicant No.1 was a life convict and even then he has committed this offence. Therefore, no leniency should be shown to him.

6. I have considered these submissions. The allegations in the F.I.R. are made by the victim himself. Therefore, at this stage, it is difficult to doubt his version. Apart from that, there are statements of other witnesses namely Aakashsingh Bavari, Sachin Martand etc. who had seen part of the incident. Aakash has also named both the applicants. There are police witnesses who were on patrolling duty and who had seen assailants going towards the spot with weapons. Police witnesses are Dnyandeo Awari, Mohan Gaikwad etc. Therefore, it is more than clear that the offence, as alleged in the F.I.R. has taken place. However, the applicants are in custody since 07/03/2020 and investigation is already over. In this context, injuries suffered by the first informant are important. His medical certificates show that he had suffered multiple abrasions on forehead of dimension 1cm. x .5cm., abrasion on right elbow of dimension 2cm. x 1cm., one abrasion on back of neck of dimension 1cm. X 1cm. and abrasion on anterior wall of chest of dimension 1cm x 1cm. Thus, at this stage, it is difficult to observe that all these injuries could have been caused by sharp weapons attributed to present applicants. Therefore, there appears to be definite

exaggeration on the part of first informant. The injuries are simple. Therefore, applicants case for release on bail can be considered favourably. However, antecedents of the applicants cannot be ignored. Therefore, suitable conditions are required to be imposed on them.

7. Hence, the following order :

**ORDER**

- (i) In connection with C.R.No. 205 of 2020 registered at Yerwada police station, Pune city, the applicants are directed to be released on bail on their furnishing P R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- (ii) Applicants shall attend the concerned Police Station once every fortnight till framing of charges.
- (iii) Applicants shall deposit their Passports, if any, with local police station and shall not leave the Country without prior permission of the trial court.
- (iv) Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**