

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 108 OF 2021

1. Yashwant Manohar Avhad	
2. Nandkumar Bhujang Avhad	... Applicants
versus	
The State of Maharashtra	 Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 109 OF 2021**

Rahul Manohar Avhad	
versus	
The State of Maharashtra	 Respondent

.....

Mr. Tushar Sonawane a/w. Mr. Rupesh A Zade, Advocate for the Applicants in both Anticipatory Bail Applications.
Mrs. J. S. Lohokare, APP for State-Respondent.
Mr. R. M. Ghade, Yawat Police Station, Pune Gramin, Pune.

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**CORAM : SARANG V. KOTWAL, J.
DATE : 05th FEBRUARY, 2021**

P.C. :

. The applicants are seeking anticipatory bail in connection with C.R. No.1107/2020 dated 9th December 2020 registered at Yawat Police Station under Sections 327, 452, 354-B,

143, 147, 148, 149, 324, 323, 427 504, 506 of Indian Penal Code.

The main Sections being 327 and 354-B of Indian Penal Code.

2. The F.I.R is lodged by one Amol Avhad. He has stated that the applicant Yashwant and his relatives are his neighbours. On 7th December 2020, there was a quarrel between Yashwant and informant's group. On 8th December 2020, at about 5.30 p.m., about 23 accused including the present applicants came in front of the house of the first informant. They were having iron rods. They entered their house and damaged the articles. There are allegations that the mob assaulted the informant, one Sanjay Avhad, Anand Avhad, Sunita, Komal and others with iron rods and sticks. There are allegations that the accused tried to pull sarees of Priyanka and Ratan. On this basis, the F.I.R. is lodged.

3. Heard Mr. Rupesh Zade, learned Counsel for the applicants and Mrs. J. S. Lohokare, learned APP for the State.

4. Learned Counsel for the applicants submitted that the applicants group has lodged their own F.I.R. vide C.R.No.1111 of 2020 Yavat Police Station on the same day mainly under Section 307 in respect of the same incident. In that case, there are

allegations that Amol had assaulted one Deepak Avhad and it was a serious injury. Others from Amol's group had assaulted him and his relatives further. He submitted that thus, the allegations in the F.I.R against the applicants are not true.

5. Learned APP relied on the averments in the F.I.R and statements of the eye witnesses who had identically narrated the incident as described in the F.I.R. She relied on the injury certificates of the injured suffered from informant's side. She fairly conceded that all the injuries were simple in nature.

6. I have considered these submissions and I have perused the investigation papers. In the investigation against the present applicants, the injuries suffered by injured Kavita, Nitin, Amol and Subhadra have all suffered simple injuries. On the other hand, in the cross F.I.R. lodged by the applicant's group. Deepak had suffered a serious head injury. It was skull fracture. This injury is not referred to or explained by the informant in the F.I.R. against present applicant. Thus, there is clear attempt to project exaggerated version in the F.I.R. against the present applicants. No serious particular role is attributed to either of the applicants in

the F.I.R . The F.I.R does not appear to be true depiction of facts. In this view of the matter, particularly considering the serious injury suffered by Deepak from the applicant's group, the applicants deserve to be protected by an order of anticipatory bail. Hence, the following order.

ORDER

- (i) In the event of their arrest, in connection with C.R. No.1107/2020 registered at Yavat Police Station,, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.
- (ii) Both the Applications stand disposed of accordingly.

(SARANG V. KOTWAL, J.)