

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.334 OF 2020

Manesh @ Manish Gulab Kamble ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Rushikesh Patil, for the Applicant.
Ms. Jyoti Lohokare, APP for the Respondent-State.
Mr. Paras Yadav, the complainant/first informant present.

CORAM : N. J. JAMADAR, J.
DATE : NOVEMBER 27, 2021

P.C.:

1. Heard the learned counsel for the parties.
2. Apprehending the arrest in C.R.No. 170 of 2019 registered with Kodoli police station, Kolhapur for the offences punishable under section 307 and 341 read with 34 of Indian Penal Code, 1860 (the penal code), the applicant has preferred this application for pre arrest bail.
3. The indictment against the applicant is that on 5th November, 2019 at about 8.30 pm while Vikram Kamble, the first informant, was standing at Shivaji Chowk, the applicant accosted him, abused and also threatened him. When the first informant remonstrated, altercations ensued between the applicant and the first informant. After the quarrel was over, while the first informant was being

taken to his home by his cousin Samir and Sushant, the applicant, who is also the cousin of the first informant, called his sons Rushikesh, Vinayak and Milind. The applicant and the co-accused again accosted the first informant. The applicant and co-accused Milind were armed with iron rods. They assaulted the first informant by means of iron rod. Co-accused Rushikesh was armed with a knife. He unleashed a blow on the chest of the first informant by knife. Another co-accused Vinay Kamble also assaulted the first informant and his cousin Samir.

4. The applicant has approached the Court with a case that in respect of the very same occurrence, the father of the applicant has lodged a report bearing No. 172 of 2019 against the informant party. The incident has been blown out of proportion by the informant party. All the family members of the applicant have been falsely roped in. No role of causing grievous hurt is attributed to the applicant. In the intervening period, as the applicant and the informant party are close relative, the dispute has been amicably resolved and the first informant has filed affidavit before the learned Sessions Judge giving no objection for grant of bail to the co-accused. Hence, the applicant be directed to be released on bail in the event of arrest.

5. Noting the last of the aforesaid submissions, by an order dated 12th February, 2020, this Court had granted ad-interim relief.

6. The first informant Vikram Kamble has filed an affidavit in this Court and gave no objection to grant the application in view of the dispute between the first informant and the applicant having been amicably resolved.

7. From the perusal and the material on record, it seems that the genesis of the occurrence is in the dispute between the members of the extended Kamble family. A cross case was registered at the instance of the father of the applicant in respect of very same occurrence. The major role has been attributed to Rushikesh Kamble, the son of the applicant who is stated to have been released on bail. Though the injury certificate indicates that the first informant had sustained a grievous injury on chest, yet the assault was attributed to Rushikesh, who has been released on bail. In the aforesaid view of the matter, at this stage, to facilitate further investigation the custodial interrogation of the applicant does not seem warranted.

8. In the totality of the circumstances, the discretion is required

to be exercised in favour of the applicant. Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] In the event of arrest of the applicant Manesh @ Manish Gulab Kamble in C.R. No. 170 of 2019, he be released on bail on furnishing a P.R.Bond in the sum of Rs. 25,000/- and a surety in the like amount.
- 3] The applicant shall render necessary cooperation in the investigation.
- 4] The applicant shall mark his presence at Kodoli police station, Kolhapur on the first Monday of every month in between 11 am to 2 pm for a period of three months.
- 5] The applicant shall not tamper with prosecution evidence. Nor the applicant shall give any threat or inducement to any of the prosecution witnesses.
- 6] In the event of filing of the charge sheet, the applicant shall regularly attend the proceeding before the jurisdictional Court.
- 7] The application accordingly stands disposed of.

(N. J. JAMADAR, J.)