

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

ANTICIPATORY BAIL APPLICATION NO. 333 OF 2021

Umesh Bhimanna @ Bhimashankar Jamadar Applicant
Versus
The State of Maharashtra Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 583 OF 2021**

Mallinath Bhimashankar Jamadar Applicant
Versus
The State of Maharashtra Respondent

Mr. V. V. Purvant for Applicants.
Smt. A. A. Takalkar, APP for State/Respondent.
Mr. S. C. Patil, PSI, Valsang Police Station, Solapur, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th FEBRUARY, 2021

P.C. :

1. Both these applications are decided by this common order because they arise out of the same offence and the same investigation. For the sake of convenience, the applicants are referred to by their names.

2. Applicant Umesh is seeking anticipatory bail and applicant Mallinath is seeking his release on bail in connection with C.R.No.322 of 2020 registered with Valsang Police Station, Solapur, under sections 307, 354, 327, 452, 143, 147, 148, 427, 323, 504 and 506 r/w. 149 of the Indian Penal Code (for short 'IPC').

3. Heard Shri. Purvant, learned counsel for the applicants and Smt. Takalkar, learned APP for the State.

4. The First Information Report (for short 'F.I.R.') was lodged by the informant on 24/09/2020. She has stated that she was residing with her husband and three children. The applicants were their distant relatives and there was a dispute regarding a land. She has alleged that, on 24/09/2020 both the applicants and three more accused entered their house. The informant's husband was not in the house. They caused damage to the window panes and to the dining table. When the informant tried to stop applicant Umesh, he pushed her, he sat on her and removed her heavy gold ornament. There are allegations that, he pressed her breast and

outraged her modesty. Others were causing damage in the house. The informant's relatives Sunita and Nitin came there to help her. They were also assaulted. On this basis the F.I.R. was lodged.

5. Shri. Purvant submitted that the allegations in the F.I.R. are completely false. Applicant Umesh himself was admitted to the hospital and he had suffered serious injury at the hands of informant's husband and 15 to 17 other assailants. The applicant Mallinath was also admitted in the hospital for a couple of days for his own injuries. He submitted that, said injuries themselves show that the F.I.R. against the applicants is false. He submitted that, the police did not choose to record their F.I.R. because applicant Mallinath was already arrested and the applicant Umesh was apprehending his arrest and therefore, he could not approach the police. Though, applicant Umesh was in hospital, other injured were absconding and were apprehending their arrest.

6. Learned APP relied on the investigation carried out so far. The medical certificates show that the first informant had

suffered two injuries in the nature of abrasion and one blunt trauma on the chest with no other external signs. The other injured Sunita had suffered one abrasion and Nitin had suffered two small CLWs. All the injuries are described as simple injuries. Whereas, learned APP, on instructions, could not controvert Shri. Purvant's claim that both the applicants had suffered serious injuries and applicant Umesh was in the hospital for 12 days.

7. I have considered these submissions. The very fact that the applicant Umesh and Mallinath both were admitted to the hospital and Umesh had to be admitted for twelve days shows that the incident has not occurred as described in the FIR. The injuries suffered by the informant's group are absolutely minor. In this view of the matter custodial interrogation of the applicant Umesh is not necessary and applicant Mallinath deserves to be released on bail.

8. Hence, the following order :

ORDER IN A.B.A.NO.333 OF 2021

- (i) In the event of his arrest in connection with C.R.No.322 of 2020 registered with Valsang Police Station, Solapur, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

ORDER IN B.A.NO.583 OF 2021

- (i) In connection with C.R.No.322 of 2020 registered with Valsang Police Station, Solapur, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)