

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

ANTICIPATORY BAIL APPLICATION NO. 347 OF 2021

1. Kamal Babu Rathod

2. Vimal Bhimrao Rathod

3. Mahananda Sunil Rathod ...Applicants

Versus

The State of Maharashtra ...Respondent

Mr. Atul Patil, Advocate for the Applicants.

Smt. J. S. Lohokare, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 10th FEBRUARY, 2021

P.C. :

1. The applicants are seeking anticipatory bail in connection with C.R.No.243/2020 registered at Vairag Police Station, Dist. Solapur dated 5th July 2020 under Sections 143, 147, 148, 149, 324, 326, 504 and 506 of Indian Penal Code. Subsequently, Section 307 is added.

2. Heard Mr. Atul Patil, learned Counsel for the applicants and Smt. J. S. Lohokare, learned APP for the State.

3. The F.I.R is lodged by one Santosh Rathod. He has stated that on 4th July, 2020 one Atul Rathod from the applicants' group had cut the electricity wire of a bore well. On 5th July 2020, the informant Santosh's brother Namdev questioned Atul about his act. Atul had taken offence. He went to Sanjay Rathod's house and brought an iron pipe. He was followed by other accused including the present applicants. The applicant Vimal is described as Rajabai and applicant Mahananda is described as Ranjana. The accused were carrying sword, sticks, axe, sickle, etc. They mounted assault on informants' group. In the incident, informant's wife Usha, Somu Rathod, Sanjay Rathod, Namdev Rathod and the informant himself suffered injuries. The allegations against the present applicants are that they threw chilly power in the eyes of the informant Sanjay and Babita. After the incident, the F.I.R is lodged.

4. Learned Counsel for the applicants submitted that the chargesheet in this case is already filed as some of the accused were arrested. He has annexed a copy of the chargesheet. He submitted that except Babita, nobody has suffered any grievous

injury. As per the injury certificate annexed to this application. It is part of the chargesheet. He submitted that there is nothing to show that any of the injured had suffered any damage to their eyes because of chilly power. The medical certificate does not reflect any such thing. He submitted that chilly power was not found on the spot. According to him, all the applicants are ladies and two of them are Senior Citizens. Therefore, their custodial interrogation is not necessary.

5. Learned APP relied on the chargesheet filed and the statements of the first informant and the eye witnesses.

6. With the assistance of both the learned Counsel, I have perused the chargesheet including the statements of the eye witnesses. As rightly submitted by the learned Counsel for the applicants the injury certificate annexed to this chargesheet shows that only Babita had suffered a grievous injury. But that injury is not attributed to these applicants. There is nothing to indicate that any of the injured had suffered damage because of the chilly power allegedly thrown by the present applicants. It was not found on the spot. Thus, apparently the version of the informant is

exaggerated to include all the family members including ladies of the applicants' family. The incident is old. The other accused were arrested and released on bail. The chargesheet is already filed.

7. In this view of the matter, custodial interrogation of the applicants is not necessary. They can be protected by the order of anticipatory bail.

8. Hence, the following order.

ORDER

(i) In the event of their arrest in connection with C.R.No.243/2020 registered at Vairag Police Station, Dist. Solapur, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two sureties each in the like amount.

(ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)