

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1239 OF 2021

Gaurav Bansi Tope .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Priyal G. Sarda for the Applicant.

Mr.S.H.Yadav, APP for the State.

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CORAM: BHARATI DANGRE, J.

DATED : 13th JULY, 2021

P.C:-

1. The applicant is a youth, aged 22 years, who seeks his release on bail in view of his arrest on 24/11/2020 in C.R.No.1218 of 2020, registered with Chakan Police Station, Pune. The said C.R. invoke Sections 307, 326, 325, 324, 504, 341, 421, 143, 144, 147, 148, 149 of the IPC.

2. The complainant is one Ramdas Tope, who report about the incident dated 15/11/2020 where it is alleged that the applicant accompanied with one Santosh Machhindra Tope and other members of the said family, arrived in front of his house and started distributing sweets. It is in the backdrop of the engagement ceremony of his niece being performed and it is alleged that co-accused Santosh had threatened her fiancée that if he performs marriage with her, he would have to meet

with dire consequences. On the accused persons distributing the packets of sweet, a verbal altercation took place, which culminated into a physical assault. It is alleged that the applicant alongwith Vishwanath and Keshav started assaulting the complainant and his family members who were present there, by means of wooden stick, fist and blows and injured them. Thereafter some mediation was attempted by some persons. While the injured were being taken to hospital, the allegation is that the accused persons pelted stones at the said vehicle.

3. The medical certificates of those injured in the said incident are placed on record and the said certificates reflect both simple and grievous injuries. Avinash Tope has sustained two grievous injuries alleged to have been caused by hard and blunt object whereas Dattatray Tope also sustained one contusion over right chest with displaced fracture of 5th and 6th rib, a grievous injury. Govind Tope sustained three simple injuries whereas Balu Tope has sustained two injuries, which are grievous in nature.

4. Parallel to this, is another FIR recorded with the same police station vide C.R.No.1219 of 2020 lodged by Santosh Machhindra Tope, accused No.1 in C.R.No.1218 of 2020, who narrate his own version and attribute the injuries to the family of the complainant and the injury certificate of the applicant is placed on record. The CT Scan report in reference to the head injury sustained by him in the parietal region reveal an un-

displaced linear fracture and an oblique un-displaced fracture over right parietal calvarium. This required hospitalization of the applicant and the nature of injury apparently appears to be grievous in nature.

On completion of investigation of both the CRs, charge-sheets have been instituted in the competent court while the applicant remained incarcerated since 24/11/2020.

5. Perusal of the charge-sheet reveals that the two groups clashed with one another, resulting into registration of cross FIRs against each other on account of free fight, which ensued at the spot. The applicant himself is injured and sustained a grievous injury. Since the investigation is complete, there is no rationale in keeping the applicant incarcerated and, particularly, when two co-accused Vishwanath and Keshav, who have been attributed similar role to that of the applicant, have been released on bail. The applicant is, therefore, entitled to be released on bail subject to the stringent conditions being imposed that in any way, he shall not establish any contact with the complainant or the injured persons. Hence, the following order.

: ORDER :

(a) Application is allowed.

(b) Applicant – Gaurav Banshi Tope shall be released on bail in C.R.No.1218 of 2020 registered with Chakan Police Station, Pune on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

- (c) The applicant shall not establish the contact by any mode with the complainant and the injured persons.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.

SMT. BHARATI DANGRE, J