

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

ANTICIPATORY BAIL APPLICATION NO. 1106 OF 2021

1. Raghunath Govind Dhule
2. Kavishwar Raghunath Dhule Applicants

Versus

The State of Maharashtra Respondent

Mr. Dushyant Pagare i/b. Mr. Vaibhav P. Punekar for Applicants.
Mr. Ajay Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 30th APRIL, 2021
(Through Video Conferencing)

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.111 of 2020 registered at Karjat Police Station, Dist. Raigad, on 26/05/2020, under sections 307, 143, 147, 148, 324, 323, 504, 506 and 188 r/w. 149 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Dushyant Pagare, learned counsel for the applicants and Shri. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Rohidas Dhule on 26/05/2020. He has described in his F.I.R. that the incident in question had started at about 5:30p.m. on 25/05/2020 on a petty issue. When the informant reached there he saw that the informant's nephews Milind and Nitin had fallen down on the road. They were being assaulted by both the applicants and one Kashinath Dhule with swords. When the informant tried to intervene, accused Shantaram gave a blow with sword on the informant's head. The informant shouted for help. His relatives came there. At that time, Shantaram called people from his own group. The F.I.R. then goes on to describe as to how Shantaram and his other relatives caused assault. The F.I.R. mentions that, besides, Milind and Nitin; Vishnu and Anita had suffered injuries. On these allegations, the F.I.R. was lodged.

4. Learned counsel for the applicants submitted that, Shantaram has also given his own F.I.R. which is registered at the same police station vide C.R.No. 112 of 2020 on the same day. It was registered mainly under section 326 of IPC. He submitted that, three persons from the applicants' group had suffered grievous

injuries. Learned counsel for the applicant relied on the order passed in Anticipatory Bail Application No. 270 of 2021 granting bail to the applicants' co-accused Digambar. That order was passed on 01/02/2021. He, therefore, claimed parity.

5. Learned APP opposed this application. She produced investigation papers before me. Investigation papers contain statements of eye witnesses, as well as, injury certificates.

6. I have considered rival submissions and in particular, I have perused medical certificates in respect of injuries suffered by Milind, Nitin and others. There are two sets of medical certificates; one is issued by Aadhar Multi Speciality Hospital and the other is issued by Rural Hospital, Kasheli. The nature of injuries is described in the certificate issued by Rural Hospital, Kasheli. In those certificates it is mentioned that, Milind had suffered four injuries. Two injuries were on the head but they are described as simple injuries. There is one more simple injury on forearm. However, there is one grievous injury on left hand near wrist joint which is attributed to these applicants. The other injured Rohidas, Ketan, Nitin and Vishnu, have suffered simple injuries. In this

background, the submission of learned counsel for the applicants will have to be considered that, three persons from the applicants' group had suffered grievous injuries. Learned APP, on instructions of the investigating officers, who is present in the court today, admits that three persons from the applicants' group have suffered grievous injuries. There is no reference to such injuries and cause of injuries in the present F.I.R. or other statements. Therefore, it appears that, narration in the F.I.R. is not entirely correct. Truthfulness of the F.I.R. and statements of other eye witnesses will have to be tested during trial. At this stage, sufficient doubt is created about the exact occurrence and manner of occurrence of the incident. Therefore, applicants are entitled for the protection of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.111 of 2020 registered at Karjat Police Station, Dist. Raigad, the applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two

sureties each in the like amount.

- (ii) Applicants shall attend the concerned Police Station on 10/05/2021, 11/05/2021 and 12/05/2021 between 1:00 p.m. to 5:00 p.m. and shall cooperate with the investigation. In addition, applicants shall attend the concerned police station, as and when called and shall co-operate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)