

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1159 OF 2021

1. Pravin @ Pappu Harishchandra Bhoir,	
2. Jaydas Harichandra Bhoir,	
3. Aryan Rohidas Bhoir	
4. Pramod Ranshur Bhoir	Applicants
versus	
The State of Maharashtra and another	Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO.1359 OF 2021

Shridhar Balaram Bhopi	Applicant
versus	
The State of Maharashtra and another	Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO.1420 OF 2021

Hemant Ashok Bhoir and another	Applicants
versus	
The State of Maharashtra	Respondent

Mr.R.D.Suryawanshi i/by Mr.C.K.Pendse, Advocate, for Applicants in ABA No.1159 and for Respondent no.2 in ABA Nos.1359 and 1420 of 2021.

Mr.Vikas Shivarkar with Mr.Devidas K.Botkondle, Advocates, for Applicants in ABA Nos.1359 and 1420 of 2021; and for Respondent in ABA No.1159 of 2021

Mr.S.R.Agarkar, APP, for Respondent-State.

Mr.N.R.Heman, Police Havaladar, Kulgaon Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 17th September 2021

PC :

1. The applicants in Anticipatory Bail Application No.1159 of 2021 are apprehending arrest in CR No.I-30 of 2021 registered with Kulgaon Police Station, for offences under Sections 307, 341, 324,

323, 506, 143, 147, 148, 149 of Indian Penal Code and under Sections 37(1) and 135 of Maharashtra Police Act.

The applicants in Anticipatory Bail Application No.1359 of 2021 and Anticipatory Bail Application No.1420 of 2021 are apprehending arrest in CR No.I-31 of 2021 registered with Kulgaon Police Station for offences under Sections 326, 324, 323, 427, 504, 506, 143, 147, 148, 149 of Indian Penal Code and under Sections 37(1) and 135 of Maharashtra Police Act.

2. The complaint in CR No.I-30 of 2021 is lodged by Yogesh Bhalchandra Bhoir and complaint in CR No.I-31 of 2021 is lodged by Jaydas Bhoir. The allegations in CR No.I-30 of 2021 are that on 3rd February 2021 Rohidas Bhoir and Mayur Hegde were carrying out work of laying pipeline and digging work was going on. When the complainant along with Hemant Bhoir, Shridhar Bhoir, Samadhan Bhopi and Amol Bhoir came to the spot of digging work from their vehicles. The accused stopped them. Hemant Bhoir and Shridhar Bhopi told the co-accused Rohidas Bhoir that he cannot do the work of pipeline. Pappu Bhoir assaulted Hemant Bhoir with sword on his head. Pramod Bhoir assaulted Shridhar Bhoi with sickle on his head. Jaydas Bhoir, Arihant and Amit Bhoir and others assaulted Amol Bhoir with weapons like sickle and iron rod and they further assaulted the first informant with fist and kick blows. The complainant Sagar Bhoir at the spot and injured were shifted to Bhagwati Hospital, Badlapur.

3. The allegations in CR No.I-31 of 2021 are that Rohidas Bhoir and Mayur Hegade were awarded the contract of laying pipeline. On

3rd February 2021 at about 5.30 pm, the first informant along with his brother Amit Bhoir, Sunil Bhoir, Ravindra Bhoir and Rohidas Bhoir were carrying out the work of laying the pipeline. Hemant Bhoir, Shridhar Bhopi, Amol Bhoir, Samadhar Bopi, Haresh Bhopi, Ashok, Pramod Bhoir and Yogesh Bhoir came to the spot. Rohidas Bhoir was assaulted with sword. Jaydas tried to intervene. Hemant, Shridhar, Haresh, Amol assaulted Jaydas Bhoir. Damage was caused to the car. Sagar Bhoir and Jayesh Bhoir pelted stones on the vehicle. Jaydas was unconscious. Pappu Bhoir came there and Rohidas Bhoir, Pappu Bhoir, Arihant were shifted to hospital.

4. Some of the accused in CR No.I-31 of 2021 were arrested. Yogesh Bhoir, Hemant Bhoir, Shridhar Bhopi, Amol Bhoir and Samadhan Bhopi sustained injuries.

5. Rohidas Bhoir and Raj Bhoir who were accused in CR No.I-30 of 2021 had preferred application for anticipatory bail before this Court, which was numbered as ABA No.830 of 2021. Accused Santosh Bhoir and Harishchandra Bhoir were arrested on 4th February 2021. They preferred Bail Application No.1385 of 2021. They were arrested in Cr No.I-30 of 2021. Both the applications were allowed vide order dated 1st April 2021. While allowing the said applications it was observed that there are cross cases viz CR No.I-30 of 2021 and CR No.I-31 of 2021. The applicants who were arrested were in custody for substantial period of time and one of them was senior citizen aged about 73 years. The complainant was represented by advocate and it was submitted before this Court that parties have resolved the dispute. An affidavit in that regard was filed, which was taken on record. It was observed that there were

cross cases and the accused are in custody and considering the said aspect, anticipatory bail application as well as bail application was allowed. Ashok Bhoir and others preferred ABA No.1110 of 2021. They were apprehending arrest in CR No.I-31 of 2021. The complainant had appeared through his advocate and submitted that dispute between the parties has settled. The affidavit about settlement between both the parties were tendered. The affidavits were taken on record. By order dated 26th April 2021 the application for anticipatory bail was allowed.

6. In ABA No.1159 of 2021, Yogesh Bhoir has filed an affidavit dated 10th July 2021 stating that he is the victim in CR No.I-30 of 2021. Both the sides are relatives. They are residents of same village. They have settled the dispute amicably and he is supporting the application preferred by the accused. ABA Nos.1359 of 2021 and 1420 of 2021 were preferred in connection with CR No.I-31 of 2021. Learned counsel for applicants has made similar submissions that the parties have settled the dispute. The affidavit filed in Criminal Writ Petition preferred by Jaidas Bhoir and others, has been annexed to this application stating that parties have executed compromise. Jaidas Bhoir who is complainant in CR No.I-31 of 2021 filed an affidavit in these applications stating that parties have compromised and he has no objection for allowing said applications. Similar affidavit is filed in ABA No.1042 of 2021.

7. Considering the fact that parties have resolved the dispute to maintain harmony and the previous applications for anticipatory bail and regular bail were allowed on the ground that parties have compromised, these applications can be allowed. Hence, I pass

following order :

ORDER

- (i) Anticipatory Bail Application No.1159 of 2021 is allowed;
- (ii) In the event of arrest of applicants in CR No.I-30 of 2021, which is subject matter in ABA No.1159 of 2021, registered with Kulgaon Police Station, the applicants be released on bail on their executing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iii) Anticipatory Bail Application No.1359 of 2021 and Anticipatory Bail Application No.1420 of 2021 are allowed;
- (iv) In the event of arrest of applicants in CR No.I-32 of 2021, which is subject matter in ABA No.1359 of 2021 and ABA No.1420 of 2021, registered with Kulgaon Police Station, the applicants be released on bail on their executing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (v) Anticipatory Bail Application Nos.1159 of 2021, 1359 of 2021 and 1420 of 2021 are disposed of.

(PRAKASH D. NAIK, J.)

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