

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1146 OF 2021

Anil Mahadeo Bhingare ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Vijay Garad, Advocate for the Applicant.

Ms. P.P. Shinde, APP for the Respondent - State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 3rd MAY 2021.

PC. : Through Video Conferencing.

1. Heard the learned counsel for the applicant and the learned APP for the Respondent – State.

2. This is an application under section 438 of Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest on 28th March 2021 in Crime No.136 of 2021 registered at Joadbhavi Peth Police Station, Solapur for the offence punishable under sections 307, 326, 324, 323, 504, 141, 143, 147, 148, 149 of Indian Penal Code and under sections 25, 4 of Indian Arms Act and under section 135 of Bombay Police Act and under section 51(B) of

Disaster Management Act.

3. It is the case of the prosecution that on 28th March 2021 one Rupesh Karpekar lodged a report at the Police Station alleging therein that on 27th March 2021 at about 11.15 pm his father was taking a stroll after dinner. One Santosh Bhingare residing in the neighbourhood started abusing his father. The first informant had questioned him, as to why his father was being abused. At that time, his family members including the present applicant, his wife and women from their family started assaulting his father. A specific act is attributed to all the accused. However, the act attributed to the present applicant is that he had abused the father of the informant and had assaulted him with fist and kick blows. The medical certificates are placed on record which clearly shows that the father of the first informant was diagnosed with blunt trauma to head and right hand. The first informant, his wife and his brother were all diagnosed with blunt trauma to head and left upper limb. They were discharged from the hospital on 29th March 2021.

4. The learned APP upon instructions submits that in fact, there is a cross-complaint which is filed on the same day in respect of

the same incident which is registered as Crime No.137/2021 with Jodbhavi Police Station for the same offences as the members of the applicant's family were also injured in the same incident. It appears that there was a quarrel between both the families. The reasons are not assigned. Prima facie, an offence under section 307 of IPC is not made out and moreover, the fact that there was a cross-complaint, custodial interrogation of the applicant would not be necessary, applicant deserves to be enlarged on anticipatory bail. Hence, the following order :-

ORDER

- (i) Application is allowed;
- (ii) In the event of arrest in Crime No.136 of 2021 registered with Joadbhavi Peth Police Station, Solapur, the applicant be released on bail on furnishing PR. Bond in the sum of Rs.25,000/- and one or more solvent sureties;
- (iii) Applicant shall report to Joadbhavi Peth Police Station on every Monday till 30th June 2021;
- (iv) Application is disposed of on above terms.

(SMT. SADHANA S. JADHAV, J)