

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

ANTICIPATORY BAIL APPLICATION NO.1460 OF 2021

1. Kiran Bapurao Sodmise
2. Rajendra Baban Sodmise
3. Mrs.Manisha Kiran Sodmise Applicants

versus

State of Maharashtra Respondent

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- Mr.Vikas Shivarkar, Advocate for Applicant.
- Smt.J.S. Lohokare, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 28th JUNE, 2021
(Through video conferencing)

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.199/2021 registered with Phaltan Police Station, under sections 307, 324, 323, 504, 506, 143, 147, 148, 149, 188, 269, 270 of the Indian Penal Code and under section 11 of Maharashtra Covid-19 Regulations, 2020.

2. Heard Mr.Vikas Shivarkar, learned counsel for the Applicants and Smt.J.S. Lohokare, learned APP for the State.

3. The FIR is lodged by one Ankush Ramdas Sodmise. He has stated that his family was having long standing dispute with Baban Mahadev Sodmise and his family since about past more than 20 years. On 16/05/2021, at about 04.00 p.m., again there was some quarrel on the issue of cutting branches of trees in the disputed area of land. The informant's son Omkar had gone there to cut the branches. At that time, all the Applicants and five others who are named in the FIR came running towards Omkar. Out of them Mahesh gave blow on Omkar's head with sickle. The Applicant Kiran gave blow with sickle on Omkar's right arm. The Applicant Rajendra Sodmise gave a blow with sickle on the informant's head, as well as Bapu Maruti Sodmise's right arm. The Applicant Kiran assaulted him with a stone on his knee. After that, the assailants went away. The injured went for treatment and this FIR is lodged.

4. Mr.Shivarkar submitted that the Applicants' group has lodged their own FIR vide C.R.No.198/2021 at the same police station on the same day under sections 307, 324, 323, 504, 506,

143, 147, 148, 149, 188, 269, 270 of the Indian Penal Code and under section 11 of Maharashtra Covid-19 Regulations, 2020. He submitted that this will demonstrate that it was a free fight and the Applicants' group was not aggressors. Both the sides have suffered injuries, but the complete truth is not reflected in the FIR against the present Applicants.

5. Learned APP relied on the averments in the FIR and also on the injury certificates. She produced the injury certificate in these offences.
6. I have considered these submissions, and in particular, I have perused the injury certificates. The injuries suffered by the Applicants' group are mainly described as simple injuries. However opinion about injury suffered by injured Sunita was reserved, subsequent record shows, she has suffered fracture of ribs.
7. As far as the complainant's group is concerned, all the injuries suffered by Babu Maruti Sodmise, the first informant

and Omkar are simple injuries. Therefore at this stage, it is difficult to observe that section 307 is attracted against the present Applicants or that the FIR depicts the complete truth. In this view of the matter, the Applicants can be protected by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.199/2021 registered with Phaltan Police Station, the Applicants are directed to be released on bail on his 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) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)