

3. Perused the papers. The incident is alleged to have taken place on 8th February 2021 at about 9:30 p.m. With respect to the said incident there is a cross FIR lodged by the applicant No.2 - Karan Raju Lot, which was registered vide C.R. No.47 of 2021, as against the complainant in the present case and several others, for the alleged offences punishable under Sections 302, 307, 120B, 143, 147, 148, 149 of the Indian Penal Code; under Sections 4(25) of the Indian Arms Act and under Section 135 of the Maharashtra Police Act. It appears that subsequently Maharashtra Control of Organized Crime Act (MCOC Act) has been applied as against the said accused including the complainant in the present case. According to the complainant – Pavan Tak, in the present C.R. there was a quarrel between his nephew Abhay Benwal and Arjun Lot and Akash@ Radhey Ranjve on 8th February 2021 at about 9:30 p.m. He has stated that he was standing opposite Mahalaxmi Chawl and as such was aware about the said quarrel. According to the complainant, Abhay's mother Anita and Arjun Lot alongwith brother – Karan Lot approached Bhadrakali Police Station, in respect of the quarrel that took place. Cross complaints were registered as against each other with the said police station. It is further alleged that at about 10:30 p.m. when the complainant and his family members came down from the said Mahalaxmi Chawl, Arjun Lot, Karan Lot and their mother Laxmi Lot and Akash came there

and they abused the complainant's cousin brother – Akash Tak, and questioned him, why they have registered a complaint against them with the police and threatened with dire consequences and started fighting with them. It is alleged that at that time the applicant No.2 – Karan Lot held a stone and applicant No.1 – Arjun Lot held the complainant's brother - Akash Tak, pursuant to which, applicant No.2 – Karan Lot, pelted a stone on his brother, as a result of which Akash Tak (complainant's brother) sustained a head injury. It is alleged that thereafter the complainant, Akash Tak and his relatives intervened in the said incident. It is also alleged that Arjun Lot's mother scratched the complainant; Akash@ Radhey kicked the complainant on his legs and stomach. According to the complainant, his cousin Akash Tak was admitted to Spandan Hospital, Nashik, as he had sustained an injury. The injury certificate shows that Akash Tak had sustained a depressed fracture skull at left tempo-parietal region. The said medical certificate is on page 66 of the application.

4. With respect to the said incident, there is a cross FIR registered by the applicant No.2 - Karan Lot, as against the complainant in the present C.R. and others, for the alleged offence punishable Sections 302, 307, 120B, 143, 147, 148, 149 of the Indian Penal Code; under Sections 4(25) of the Indian Arms Act and under Section 135 of the Maharashtra

Police Act. The said C.R. was registered with the same Police Station. According to the applicant No.2 - Karan Lot, the complainant and others were the aggressors and they abused and started assaulting the applicants and others. According to the applicant No.2 Karan Lot, Vishal Benwal, Pawan Tak, Nikhil Tak, Shivam Pawar and Akash Tak were armed with choppers and sharp edged weapons and that all 4 of them ran towards them to assault them. According to the applicant No.2 - Karan Lot, Akash Ranjve was assaulted by the complainant and others with deadly weapons, as a result of which, Akash succumbed to his injuries. It is stated that they attempted to kill Arjun and the applicant No.2's mother. The postmortem report of Akash shows that there were injuries over his head and knees, chest and back caused by pointed sharp edged weapon. The cause of death is 'Hemorrhagic shock due to stab injuries to chest' which was sufficient in the ordinary course of nature to cause death. The injuries over the head and knees were stated to be caused by blunt trauma. The injuries to chest and back were stated to be caused by sharp edged weapons. The deceased – Akash is a friend of the applicants. The applicants are in custody since 7th March 2021. Investigation is complete and charge-sheet is filed.

5. Considering the aforesaid, the application is allowed and the applicants are enlarged on bail on the following terms and conditions:-

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- each with one or two sureties in the like amount;
- (ii) The applicants shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 12:00 noon., until further orders;
- (iii) The applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The applicants to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

6. The application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.