

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1602 OF 2021

Ajitsingh Chagansingh Pardeshi .. Applicant
Versus
The State of Maharashtra .. Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.1676 OF 2021

Balanath s/o Bhila Sarawat .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Satyajeet P. Dighe for the applicant in ABA 1602 of 2021
Mr.N.S. Ghanekar i/b Suraj Gothwal for the applicant in ABA
1676/21.
Mr.S.H.Yadav, APP for the State.
ASI Kailas Gujar from Malegaon Taluka police station present in
ABA 1602-21.
PSI Vishal Patil from Malegaon Taluka police station present in
ABA 1676-21.

CORAM: BHARATI DANGRE, J.
DATED : 6th AUGUST, 2021

P.C:-

1 The two applications arise out of two cross FIRs. In
ABA 1602-21, the applicant Ajitsingh is arraigned as an accused
on a complaint filed by Balanath Jath, Sarpanch of Gram

Panchayat Nardane in respect of an incident which took place on 21st May 2021 at 11.30 am. This CR invoke Sections 323, 324, 326, 504, 506, 188, 269 and 270 of the IPC. Apart from Ajitsingh, his two sons are also arraigned as accused.

2 In ABA 1676/21, Balanath Jath is an applicant being arraigned as an accused on the complaint filed by Ajitsingh Pardeshi in respect of an incident which occurred in the village on 21st May 2021 and apart from Balanath, one Mahendra Pardeshi and Ravindra Pardeshi are also arraigned as accused. The said C.R. invoke Sections 323, 324, 326, 504, 506 read with Section 34 of the IPC.

3 The two cross FIRs refer to the same incident which took place on 21st May 2021 but is two different versions of the same story. Both the complainants have sustained injuries as an outcome of the incident and Ajitsingh has sustained an injury which was described by Civil Hospital, Malegaon as blunt hema-Peritoneum on Abdomen. The injury was certified as grievous injury. The certificate from Hirai Nursing Home is placed on record which certify that he was admitted in the hospital since 29th May 2021, with history of assault with Hemo Peritoneum which strangulated umbilical harnea and a surgery was required to be performed. He came to be discharged on 28th June 2021.

When clarification was sought from the concerned Doctor, the learned APP has placed on record a letter from the Medical Superintendent, General Hospital, Malegaon, justifying the classification of the injury as 'grievous injury'. It is clarified that the patient was advised to undergo Sonography of Abdomen since he suffered an internal bleeding and it can be seen in the Sonography report that there was tenderness on his liver, which gave rise to a suspicion that he was bleeding from liver. The Doctor has certified that he was admitted on 21/5/2021 till 27/5/2021 but again got re-hospitalized on 29/5/2021 and obtained a discharge on 31/5/2021 against advise of doctors.

3 As far as Balanath is concerned, he has sustained a blunt trauma and when inquired why he required hospitalization from 21/5/2021 to 10/6/2021, Doctor Vikram Vaidya, M.S General Surgeon from Vaidya Hospital has issued a letter to the Investigating Officer, clarifying that the patient had suffered Mesentric rupture resulting into internal bleeding in his stomach. When Sonography was conducted, it is reported 'Minimal Hemoperitoneum' with Mesentric rupture. The word 'minimal' do not mean 'minimum'. The injury was grievous injury which required hospitalization from 21/5/21 to 29/5/21. However, since the bill was not paid, the patient continued to be admitted in the hospital from 30/5/2021 to 10/6/2021.

4 In the backdrop of the injuries suffered by both the applicants and the cross FIR being filed by their counter parts, the offences which are invoked are made out. Taking note of the fact that they have been accused in two cross CR, the veracity of the incident and its truthfulness will be ascertained at the time of the trial. However, since the accusations clearly surface on record, no custodial interrogation is warranted.

5 Respective counsel for the applicants are repentful of their conduct and particularly the applicant Balanath, being the Sarpanch of the Gram Panchayat, who is alleged of assaulting Ajitsingh. Similarly, Ajitsingh also claim to be a reputed person in the village and as stated by him in his application, he is active in the matters of village improvement. In such circumstances, respective counsel, on instructions from the applicants, voluntarily make a statement that they would contribute an amount of Rs.50,000/- each to the welfare of the Gram Panchayat, Nardane. The amount shall be deposited by them within a period of two weeks and receipt thereof should be tendered to the Investigating Officer. Hence, the following order:-

ORDER

- (a) In the event of his arrest, the Applicant Ajitsingh Chagansingh Pardeshi in ABA 1602-21 and applicant Balanath s/o Bhila Sarawat in BA 1676-21 in connection with C.R.No.469 of 2021 registered with Malegaon Taluka Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade them from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicants shall report to the Investigating Officer as and when called for.
- (d) The applicants shall abide by the undertaking that they should contribute an amount of Rs.50,000/- each to the welfare of the Gram Panchayat, Nardane within two weeks and produce a receipt to the Investigating Officer.

SMT. BHARATI DANGRE, J