

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1613 OF 2021

Bablu @ Parshuram Govind
Kamble

..

Applicant

Vs.

The State of Maharashtra

..

Respondent

...

Mr. Sidheshwar Biradar for the Applicant.

Mr. S.H. Yadav, A.P.P. for the State.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 13TH JULY, 2021.

P.C:-

1. The Applicant is seeking his release on bail in apprehension of his arrest in connection with C.R. No.205 of 2020 registered with Yerwada Police Station, thereby invoking Sections 307, 324, 385, 387, 427, 143, 147, 148 and 149 of the IPC and Section 4(25) of the Arms Act and Section 37(1) read with Section 135 of the Maharashtra Police Act.

2. The C.R. came to be registered on 07/03/2020 on a

AJN

complaint lodged by one Kundansing Bawari and, on the basis of his allegations in the complaint, 11 persons were named as accused and the rest of the accused persons were referred to as the other accused persons. The allegation is that the Complainant is the co-owner of a factory and Accused No.1 Khannasing Kalyani demanded an amount of Rs.1 lakh from him by way of *hafta* and the Complainant and his father did not accede to the said demand.

3. It is alleged that when the marriage of the Complainant's sister was performed on 06/03/2020, Accused No.1 was not invited. It is alleged that Accused No.1 is related to the Complainant as the family in which the Complainant's sister was married, the daughter of the said family was married to Accused No.1. The allegation is that after the marriage ceremony, all the accused persons armed with weapons, assaulted the Complainant and also caused damage to the vehicles parked nearby. In all, 11 persons were named as accused. The Complainant was referred to the medical examination and, on being examined, the following injuries are noted:

- “1) 1 x 0.5 cm multiple abrasion on forehead*
- 2) 2 x 1 cm abrasion of right elbow*
- 3) 1 x 1 cm abrasion on back*
- 4) 1 x 1 cm abrasion on ante wall of chest.”*

The Applicant is not named in the FIR.

4. The supplementary statement of the Complainant came to be recorded on 10/08/2020, to be precise, after five months of his first statement, wherein on the basis of CCTV footage, which was shown to the Complainant, he implicates the Applicant. He states that he was wearing a chocolate coloured shirt and was seen disembarking from a motorcycle with a weapon. No other role is attributed to him. Pertinent to note that in the supplementary statement, the Complainant also absolved two of the accused persons, whom he had named to be the assailants in his first statement.

5. Counsel for the Applicant is justified in relying upon the order passed by this court on 06/04/2021, in which Accused No.1 and Accused No.3, who have been released on bail with the observation that on perusal of the injury certificate, it is difficult to believe that the injuries could have been caused by sharp weapons and there appears to be definite exaggeration, particularly when the injuries are simple. The same analogy can be applied to the allegations levelled against the present Applicant when pitched against the injury certificate. The Applicant is, therefore released on bail in the event of his arrest, subject to the following conditions.

ORDER

(a) In the event of arrest, the Applicant – **Bablu @**

Parshuram Govind Kamble, shall be released on bail in C.R. No.205 of 2020 registered with Yerwada Police Station, District Pune on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.

- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (c) The Applicant shall report to the Yerwada Police Station on every Monday between 11.00 a.m. and 1.00 p.m. for six weeks and, thereafter, as and when called for, by the Investigating Officer.

6. The Application is allowed in the aforestated terms.

7. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]