

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

ANTICIPATORY BAIL APPLICATION NO. 896 OF 2020

1. Sham @ Ghansham Sahebrao Hire
2. Nilesh @ Tillu Bablu Shinde
3. Tausif @ Akil Lasab Maniyar
4. Mangesh Lahu Waghmare
5. Manjur Gufran Shaikh
6. Chabu Kacharu Matale Applicants

Versus

The State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO. 41 OF 2021**

Rajendra Dattatraya Uphade Intervenor.

In the matter of:

Sham @ Ghansham Sahebrao Hire & Ors. Applicants
Versus
The State of Maharashtra Respondent

Mr. Aniket Nikam i/b. Mr. Ashish Satpute for Applicants.
Mr. Sachin Gite for Intervenor.
Mr. Ajay Patil, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 05th FEBRUARY, 2021**

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. I 282 of 2020 registered at Dindori Police Station, Dist. Nashik, on 12/11/2020, under sections 327, 341, 323, 143, 147, 148, 504 and 506 r/w. 149 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Aniket Nikam, learned counsel for the applicants, Shri. Sachin Gite, learned counsel for the Intervenor and Shri. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Rajendra Uphade. He has stated that, he was an office bearer of one political party for Nashik District. The applicant No.1 is also an office bearer of the same political party but for a different Taluka. They were knowing each other. On 11/11/2020 the informant saw a banner in front of Panchayat Samiti. On that banner the informant's photograph was not added, therefore, he got angry. He questioned the applicant No.1. There was a quarrel between them. On 12/11/2020, at about 12:00p.m. he was returning to Nashik from Mumbai. He was intercepted on

the road near Dindori by the applicants' four wheeler. All the applicants got down from the car. They assaulted the informant with kicks and fist blows, as well as, with a wooden stick. It is alleged that the applicant No.1 removed a gold chain worn by the informant, Applicant No.2 removed Rs.12000/- from his pocket and then they left the place. On this basis, the F.I.R. was lodged.

4. Shri. Nikam submitted that the applicants are involved due to political rivalry. No such incident had taken place and no serious injuries are caused to the informant and, therefore, custodial interrogation of the applicant is not necessary. He submitted that the allegations of removing of gold chain and cash are only added to give a serious colour to the incident.

5. Learned counsel for the intervenor submitted that the informant was assaulted by all the applicants and there is no justification for removing of gold chain and cash amount.

6. Learned APP relied on the investigation carried out so far including the medical certificates.

7. I have considered these submissions. The medical certificate of the informant shows that, he had suffered one blunt

trauma and there was no external injury corresponding to that injury. There was an abrasion with bruises on the left rib and it was mentioned that, there was loosening of two teeth. The informant was referred to further examination to a Dental Surgeon. The opinion of the dental surgeon shows that, for the tooth pain, advice was of emergency root-canal. That means, there was no loosening of the teeth. The injuries suffered by the informant were minor in nature. The only question for consideration was of removal of gold chain and cash amount.

8. As pointed out by Shri. Nikam, there was political rivalry. On the last occasion the learned counsel for the applicant, as well as, learned counsel for the Intervenor had made a joint statement that they were exploring a possibility of settlement. The settlement could not take place and, therefore, today I have heard the matter on merits. In this background, it is more than clear that it is a case of political rivalry, therefore, false implication and exaggeration cannot be ruled out. The informant has not suffered any serious injuries as indicated from his medical papers. In this view of the matter, custodial interrogation of the applicants is not

necessary. They can be protected by an order of anticipatory bail.

9. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No. I 282 of 2020 registered at Dindori Police Station, Dist. Nashik, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- (ii) The applicants shall attend the concerned police station every fortnight till filing of the charge-sheet.
- (iii) Application stands disposed of accordingly.
- (iv) In view of disposal of ABA No.896 of 2020, Interim Application No.41 of 2021 also stands disposed of as it does not survive. In any case, I have heard learned counsel for the Intervenor.

(SARANG V. KOTWAL, J.)