

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

ANTICIPATORY BAIL APPLICATION NO. 1014 OF 2020

Kamal Shivaji Jadhav @
Miss. Kamal Akaram Atapadkar ... Applicant
Versus
State of Maharashtra ... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1038 OF 2020**

Pappu @ Mahesh Subhash Maid & Ors. ... Applicants
Versus
State of Maharashtra ... Respondent

Mr. Rahul Thakur for Applicants in both ABAs.
Smt. A. A. Takalkar, APP for State/Respondent in ABA/1014/2020.
Mr. H. J. Dedhia, APP for State/Respondent in ABA/1038/2020.

CORAM : SARANG V. KOTWAL, J.
DATE : 04th MARCH, 2021

P.C. :

1. Both these applications are decided by this common order because they arise out of the same offence and the same investigation. For the sake of convenience, both the applicants are referred to by their names.

2. The Applicants are seeking anticipatory bail in connection with C.R.No. 535 of 2020 registered with Rajgad police station on 12/09/2020, under section 307 r/w. 149 of the Indian Penal Code (for short 'IPC').

3. The First Information Report (for short 'F.I.R.') is lodged by one Sanket Khude. He has stated that he and his family are basically resident of Wagajwadi. The accused Santosh Jadhav, Shivaji Jadhav, Sambhaji Jadhav, Ajay Jadhav, applicant Pappu @ Mahesh Maid, Sandeep Mohite and Mangesh Jadhav were his neighbours. About 8 to 10 months prior to the incident, Santosh had given Rs.1,40,000/- to the informant by way of hand-loan. The informant was paying installments by way of repayment. During the pandemic he was in bad financial state, therefore, the informant could not pay the installment. On 11/09/2020, he was assaulted by the accused and for that he had lodged his complaint with the police station. On 12/09/2020, he along with his parents and brother Rushikesh were going towards Pune on two motorcycles. At that time, the accused intercepted their vehicles.

The accused forced them to go towards a brick kiln. There, both the applicants and other accused Sambhaji, Shivaji, Ajay and Mangesh confronted the informant and asked him about repayment of money. Accused Shivaji told him that they did not like him making complaints to the police. The informant was assaulted. Informant's parents tried to intervene. At this stage, there are specific allegations that the applicant Kamal gave a blow with iron rod on the informant's head. The applicant Pappu and other accused assaulted the informant's group with wooden stick and after that the accused left the place. On this basis, the F.I.R. is lodged.

4. Heard Shri. Rahul Thakur, learned counsel for the applicants, Smt. Takalkar, learned APP for the State in A.B.A.No.1014 of 2020 and Shri. Dedhia, learned APP for the State in A.B.A.No.1038 of 2020.

5. Learned counsel for the applicants submitted that the applicant Kamal was a public servant and she was working in the

forest department as Forest Guard. On that particular date of incident and at the time of incident she was on duty at other place which was at least 120Km. away from the alleged spot of incident. He, therefore, submitted that this applicant's name is roped in because she was a soft target and admittedly, there was enmity between the informant and applicant's group. He submitted that, considering this factor, even the applicant Pappu also deserves protection of an order of anticipatory bail because, apparently the F.I.R. is exaggerated.

6. Learned APP vehemently opposed this application. He produced investigation papers and statements of the superior, as well as, subordinate of the applicant Kamal to show that, on that day she was not present on duty. It was submitted that, during the investigation it was revealed that the applicant's mobile phone's tower location was in and around the area of the incident.

7. I have considered these submissions and I have perused the papers of investigation. The injured Nivrutti Khude

had suffered three injuries. There was one suspected fracture of forearm and there were two C.L.Ws. First C.L.W. was on forehead of dimension 5cm. X 6cm. and other was on occipital region of dimension 4cm. X 5cm. His injuries were described as grievous injuries. The informant had suffered one simple C.L.W. on his head. Nivrutti's grievous injuries on head and forehead are directly attributed to the present applicant Kamal.

8. The investigation has revealed that the applicant Kamal had made an entry in her service book that on 12/09/2020 she had gone to oversee working of labourers and she had gone with the forest officer. During the course of investigation, her own statement was recorded, wherein she has stated that she had attended the work with one R.R. Ubhe. The statement of R.R.-Ubhe is recorded wherein he has denied that the applicant Kamal was with him on 12/09/2020. Similarly, Shri. S. N. Bhosale, Forest officer has given a statement showing that he was not in touch with the applicant from 11/09/2020 to 15/09/2020. Thus, the defence taken by the applicant Kamal, at this stage, is not

supported by the investigation carried out in that direction by the investigating agency. Even the tower locations of her mobile phone were showing that she was in that area where the incident had taken place. Therefore, at this stage, there is nothing to doubt the story of the first informant. The offence is serious, therefore, custodial interrogation of the applicants is necessary.

9. Both anticipatory bail applications are rejected.

(SARANG V. KOTWAL, J.)