

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

CRIMINAL BAIL APPLICATION NO. 2886 OF 2021

1. Raja Ranu Adivashi	
2. Fariste Bhura Adivashi	
3. Dadda Ranu Adivashi	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Shailesh Dhananjay Chavan for the Applicants

Mr. A. A. Palkar, A.P.P for the Respondent–State

PSI Mr. M. S. Talbar from Dhebewadi Police Station is present

API Mr. Ajay Gorad from Umbraj Police Station is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 1st OCTOBER 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicants seek their enlargement on bail in connection with C.R. No. 93/2021 registered with the Umbraj Police Station, Satara, for the alleged offences punishable under Sections 353, 332, 395, 397, 504 and 506 of the Indian Penal Code.

3 Perused the papers. According to the complainant-Mukesh More, Police Constable attached to Umbraj Police Station, on 26th February 2021, he received some information on his mobile that some dealing of smuggled gold was going on near Perale Phata. The complainant has stated that the informant informed him that the dealing was over and that the persons had disbursed. It is alleged that on 26th February 2021 at about 9:45 p.m, when the complainant was waiting near Janai Petrol Pump on the way to Shirgaon, he noticed four persons in a suspicious condition, pursuant to which, he inquired with them about their whereabouts. It is alleged by the complainant that the said four persons started abusing him in Hindi in filthy language and started to assault the complainant with iron rod and wooden log, pursuant to which, he sustained injuries. According to the complainant, the accused thereafter fled from the said spot. He has stated that in the scuffle which took place, he cannot say whether his mobile fell at the spot or was taken by the accused.

4 Initially, the FIR was lodged for the offences punishable under Sections 353, 332, 504 and 506 of the Indian Penal Code, however, subsequently, Sections 395 and 397 came to be added. Although, the FIR is against four unknown persons, eight persons were arrested and all of

them have been identified in the test identification parade by the complainant and one Amar Patil.

5 Learned A.P.P is not able to justify when an FIR was lodged against four persons, how 8 persons were identified by the complainant in the test identification parade. There is no recovery at the instance of the applicants. The injuries sustained by the complainant are all simple in nature.

6 According to the learned counsel for the applicants, the three applicants alongwith others had come to Umbraj from Madhya Pradesh in search of a job/employment only 3-4 days prior and that they have been falsely roped in the said case, by the police.

7 *Prima facie*, it appears that there was some scuffle between the complainant and accused, but reason set out by the complainant appears somewhat doubtful. *Prima facie*, it also appears that application of Sections 395 and 397 was an afterthought.

8 Be that as it may, considering the peculiar facts of this case, further detention of the applicants is not warranted. Accordingly, 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. 5,000/- each, with one or two sureties in the like amount;

(ii) The applicants shall inform their latest place of residence and mobile contact numbers 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;

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

(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.

9 The application is accordingly disposed of in the aforesaid terms.

10 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.

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

REVATI MOHITE DERE, J.