

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1064 OF 2020**

1.	Sanjay Murlidhar Kadnor,	
2.	Uttam Shravan Kadnor (Pomnar),	
3.	Sudam Bajirao Pomnar,	
4.	Anna Uttam Pomnar,	
5.	Nilesh Anna Pomnar,	
6.	Ganesh Uttam Pomnar,	
7.	Sagar Anna Pomnar	...Applicants
	V/S.	
	The State of Maharashtra	...Respondent

Mr. N. R. Bubna, Advocate for Applicants.
Mr. Ajay Patil, APP for State / Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATED : 12th FEBRUARY, 2021.**

P.C.

1. The Applicants are seeking Anticipatory Bail in connection with C.R. No.I-483 of 2020 dated 03th November 2020, registered at Taluka Police Station, Malegaon, under Section 326, 324, 323, 143, 147, 148, 504 and 506 of the Indian Penal Code. Subsequently, Section 307 of Indian Penal Code also added.

2. At the outset, the learned Counsel for the Applicant pointed out that the Application for Applicant Sanjay Kadnor was not pressed and was disposed of vide Order dated 21st December 2020. Therefore, I am considering this Application only in respect of Applicant Nos.2 to 7.

3. Heard Mr. N. R. Bubna, learned Counsel for the Applicants and Mr. Ajay Patil, learned APP for the State.

4. The F.I.R. was lodged by Sandip Pomnar on 03rd November 2020. He has stated that Applicant No.1 – Sanjay Kadnor was his neighbour. On 01st November 2020, in the morning, there was a quarrel between Sanjay and his nephew Anil. The informant went there to separate them. Sanjay Kadnor, instead, got agree with the informer and started considered beating him. At that time, the other accused, i.e. Applicant Nos.2 to 7 came there and started abusing and beating him with kicks and fists blow. At that point Sanjay picked up a spade lying there and gave a blow on the first informant. One Vaishali came there for his rescue. She was also assaulted by

Sanjay. After that this F.I.R. is lodged.

5. The learned Counsel for the Applicant submitted that the main role is attributed to the accused Applicant No.1 Sanjay. The rest of the Applicants had merely abused and used kicks and fist blows. He submitted that, there could not be any common object between the other Applicants and Sanjay. Learned APP relied on the medical certificate of the first informant and Vaishali. Sandip had suffered blunt trauma on head causing 'Cerebral Odema'. Which was described as injury which was dangerous to life. There was another C.L.W. on frontal skull. Vaishali had suffered fracture of her ring finger of right hand and trauma on her hand. He, therefore, opposed grant of Anticipatory Bail.

6. I have considered this submissions. The informant has suffered serious head injury but it is caused by Applicant No.1- Sanjay. However, Sanjay's role can be separated from that of others in this particular case. The narration in the F.I.R. shows that initially the quarrel was between Sanjay and his

nephew. The informant went there to settle there dispute. In the mean time other Applicants came there and they started beating the informant. At that point Sanjay suddenly picked-up a stick and gave a blow. Therefore, it cannot be said that there was any pre-meditation, meeting of mind or common object shared by the Applicants in causing grievous injury to Sandeep and Vaishali. In this view of the matter, custodial interrogation of the Applicant Nos.2 to 7 not necessary. Their role is much lesser. They can be protected by an Order of Anticipatory Bail.

7. Hence the following Order:

- (i) In the event of arrest of Applicant Nos.2 to 7 in connection with C.R. No.I-483 of 2020, registered at Taluka Police Station, Malegaon, they 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)