

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

ANTICIPATORY BAIL APPLICATION NO. 2020 OF 2021

Jagpalsingh Nepalsingh Kalyani	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Aniket Nikam i/b. Vivek N. Arote for Applicant.
Mr. Y. M. Nakhwa, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 24th SEPTEMBER, 2021**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.46 of 2021 registered at Wanwadi Police Station, Pune, under sections 307, 336, 427, 143, 144, 146, 148 r/w. 149 of the Indian Penal Code (for short 'IPC'), under sections 4 and 25 of the Indian Arms Act, as well as under section 37(1) r/w. 135 of the Maharashtra Police Act and under section 7 of the Criminal Law Amendment Act.

2. Heard Shri. Aniket Nikam, learned counsel for the applicant and Shri. Nakhwa, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is

lodged by one Krushnasingh Kalyani on 03/02/2021. He has stated that, he was residing at Theoor gaon, Dist. Pune. He was on a committee of Gurudwara. The construction of that gurudwara was going on. There was some dispute about the expenditure.

4. On 03/02/2021, on the ground of that dispute the informant's group questioned applicant's group. It is alleged in the F.I.R. that the applicant's group got angry and started assaulting the informant's group with weapons like sword, rods and sticks. In the incident, the informant himself, Jaswindar Singh, Dharasingh, Jalsingh and Himmatsingh from the informant's group suffered injuries. On this basis the F.I.R. was lodged. The investigation was carried out and the charge-sheet is filed against other accused.

5. Learned counsel for the applicant invited my attention to the injury certificates in respect of the injured. Jaswindar had suffered one incised wound on the right shin and one abrasion on knuckle. Dharasingh had suffered two abrasions over right leg and one blunt trauma over left leg. Himmatsingh had suffered 12 linear abrasions over his both legs. Krishnasingh had suffered blunt trauma over his lower back and blunt trauma on his thigh.

Jalsingh had suffered abrasions on his abdomen and blunt trauma on his legs.

6. Learned APP submitted that the version of the informant is supported by all the injured eye witnesses. The incident had caused terror in the area and, therefore, anticipatory bail should not be granted to the applicant.

7. I have considered these submissions. First of all, the injuries suffered by all the injured in this case are simple in nature. Shri. Nikam also invited my attention to the statement of independent eye witness Ashok Vyas. This witness has stated that a free fight was going on between the two groups. Therefore, there is substance in the submission of Shri. Nikam that, it was a free fight and the applicant's group was also assaulted. In this background, custodial interrogation of the applicant is not necessary. However, the submission of learned APP that the incident had caused terror in the area will also have to be taken into account to impose certain conditions.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.46 of 2021 registered at Wanwadi Police Station, Pune, the applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station once in every fortnight for the period of one year from today and shall co-operate with the investigation.
- (iii) In addition, the applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)