

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2623 OF 2021

JAYARAJAN
ANJAKULATH
NAIR

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JAYARAJAN
ANJAKULATH NAIR
Date: 2021.08.27
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|--|---|---------------|
| 1. Sandeep Dhanaji Kudavkar |] | |
| 2. Samadhan Janu Poparkar |] | |
| 3. Pankaj @ Panklesh Bamji Daur |] | |
| 4. Sangharsh Chahu Jitekar |] | |
| 5. Swagat Shankar Jitekar |] | |
| 6. Sachin Laxman Mhatre |] | |
| 7. Dhananjay Namdeo Jitekar |] | |
| 8. Vishal Anant Patil |] | |
| 9. Anil Ramnath Kudavkar |] | |
| 10. Ashutosh Arun Kudavkar |] | |
| 11. Akshay Arun Kudavkar, |] | |
| All resident of Village Dapoli, Taluka |] | |
| Panvel, District Raigad. |] | |
| [Presently lodged in Taloja Prison.] |] | |
| |] | .. Applicants |

Versus

The State of Maharashtra	]	
[At the instance of Senior Inspector	]	
Police, Panvel City Police Station.]	]	
	]	.. Applicants

...

Mr. Nitin Sejpal for the Applicants.

Ms. Rutuja Ambekar, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 27TH AUGUST, 2021.

P.C:-

1. The Applicants are arrested on 21/07/2021 in connection with CR No.I-372 of 2021 registered with the Panvel City Police Station. The arrest is on account of the accusations faced by them under Sections 323, 324, 326, 143, 147, 149 and 506 of the IPC.

2. The Applicants are presently housed in Taloja Central Prison, Taloja, and they seek their release on bail and the submission is that the incident had taken place on account of rivalry between two families – Mhatre family and Kudavkar family – and the individual Applicants are not assigned any specific role by the Complainant or the injured and a collective role has been assigned to them. Learned counsel for the Applicants does not dispute the injuries sustained by the injured, which include a grievous injury by each of them, but he submits that the weapons are now seized and the statements are already recorded and the further incarceration of the Applicants is unnecessary.

3. Pertinent to note that two days prior to the present incident

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i.e. on 07/07/2021, two CRs came to be registered with the same police station at the instance of two groups invoking Sections 326 and 324 along with Section 149 of the IPC. The two cross C.Rs. depict that the two groups are at loggerheads and on 09/07/2021, the present CR is registered on a complaint filed by one Amol Dawlekar, resident of Panvel, who happened to visit Dapoli, in order to collect some amount due to one Suhas Mhatre. When he approached the office of the builder and received an amount of Rs.50,000/- due and payable to Suhas Mhatre, it is alleged that all the 10 named accused persons questioned them as to why did they arrive in Dapoli. It is alleged that all the accused persons assaulted him and one Kiran, who was accompanying him, by means of iron rods and fists and blows. This resulted into injuries to both Amol and Kiran and they were offered medical treatment. The offence came to be registered invoking Sections 323, 324, 326, 143, 147, 149 and 506 of the IPC.

4. Learned A.P.P. has placed on record the injury certificate of both the injured and, it can be seen that, Kiran has sustained one fracture on fifth metacarpal, which is a grievous injury apart from multiple abrasions and bruises. As far as Amol is concerned, he has sustained one grievous injury, which is a fracture on left elbow and the other injuries sustained by him are in the form of bruises and abrasions and are simple in nature.

5. The statement of another injured i.e. Kiran when perused is in sync with the statement of Amol, who does not ascribe any particular role to any particular accused and, a general statement is made that both the injured were assaulted by iron rods and fists and blows. Since one injury sustained by each of the injured are grievous injuries, attributed by means of dangerous weapon i.e. iron rod, Section 326 of the IPC has been invoked.

6. Learned A.P.P. states that Applicant No.1 Sandeep has handed over six iron rods, which have been used for mounting assault. Since, the weapons being recovered, the further incarceration of the Applicants becomes unwarranted, taking into account the gravity of the offences. However, since it is informed that there is a long run rivalry between the two families – Mhatre and Kudavkar families – the Applicants must ensure maintenance of law and order as two days prior to the present incident, there are two cross FIRs registered by the two families though the present Applicants are not arraigned as accused in the said CRs. In such circumstances, the release of the Applicants is subject to the stipulation that they do not clash with the rival family and do not misuse their liberty. In order to ensure that they do not indulge into any offence of similar nature, a condition is imposed to the effect that if any crime is reported against any of the present Applicants, the prosecution is at liberty to move an Application for cancellation of bail and it would be

treated as breach of the condition, subject to which the Applicants are released on bail.

: ORDER :

- (a) The Applicants – (1) Sandeep Dhanaji Kudavkar, (2) Samadhan Janu Poparkar, (3) Pankaj @ Panklesh Bamji Daur, (4) Sangharsh Chahu Jitekar, (5) Swagat Shankar Jitekar, (6) Sachin Laxman Mhatre, (7) Dhananjay Namdeo Jitekar, (8) Vishal Anant Patil, (9) Anil Ramnath Kudavkar, (10) Ashutosh Arun Kudavkar and (11) Akshay Arun Kudavkar, shall be released on bail in C.R. No.I-372 of 2021 registered with Panvel City Police Station, District Raigad, on executing P.R. bond to the extent of Rs.20,000/- each and furnishing one or two sureties of the like amount.
- (b) The Applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (c) The Applicants shall report to the Panvel City Police Station, Dist. Raigad, on every Thursday

between 10.00 a.m. and 4.00 p.m. at staggered timing, till filing of the charge-sheet.

7. The Application is disposed of.
8. All concerned to act on the authenticated copy of this order duly certified by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]