

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

ANTICIPATORY BAIL APPLICATION NO.1172 OF 2020

1. Gajendra @ Gajanan Vasant Sargar,	
2. Gautam Mohan Bandgar, &	
3. Sachin Tatoba Masal.	 Applicants
Versus	
The State of Maharashtra	 Respondent

Mr. Viresh V. Purwant, Advocate for the Applicants.

Mr. Ajay Patil, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 14th JANUARY, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.559/2020 dated 25.10.2020 registered at Mangalwedha Police Station, District – Solapur Rural, under Sections 307, 143, 147, 148, 149, 188, 269, 270, 427 of the Indian Penal Code, under Sections 4 and 25 of the Indian Arms Act, under Section 51(b) of the Disaster Management Act, 2005 and under Sections 2, 3 & 4 of Epidemic Diseases Act, 1897.

2. Heard Shri Viresh V. Purwant, learned Counsel for the Applicants, Shri Ajay Patil, learned APP for the State.

3. The FIR is lodged by one Ram Valekar. He has stated that since 2017 he was on bad terms with one Vithal Sargar and his group. The dispute arose because of Grampanchyat elections. On 25.10.2020, this incident took place. It is mentioned in the FIR that the Applicants along with Vithal Sargar, Surawanti Sargar were present near the informant's sister's house. The informant was told that the Applicants and their group were quarreling with the informant's sister's family because of some issue regarding dirty water. The quarrel escalated as Vithal Sargar threatened the informant and gave blow with sword on the informant's head. The others including the Applicants gave blows with sticks. The informant's sister Meerabai and two nephews Mukesh and Suresh were similarly assaulted. On this basis, the FIR was lodged.

Submissions :

4. Shri Purwant, learned Counsel for the Applicants submitted that the Applicants group had filed an N.C. at the same police station at about 2:50 p.m. in respect of the same

incident. He, therefore, submitted that it was a free fight, but, nobody has suffered any serious injury.

5. Learned A.P.P. produced medical papers showing the injuries suffered by the injured. He relied on the allegations in the FIR and submitted that anticipatory bail may not be granted.

Reasons :

6. I have considered all these submissions. The injury certificates show that the informant Ram Valekar suffered one simple injury on head. Meerabai had suffered two blunt traumas over back and head. Mukesh suffered one contusion and Suresh had suffered one contusion and one blunt trauma.

7. Thus, at this stage, there is nothing to show that any of the injured has suffered any grievous injury. The offence appears to be a petty offence. There is already an N.C. lodged by the present Applicants' group. In this view of the matter, custodial interrogation of the Applicants is not necessary. They deserve protection of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.559/2020 registered with Mangalwedha Police Station, District – Solapur Rural, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand Only) with one or two sureties each in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

Digitally
signed by
Pradeepkumar
P. Deshmane
Date:
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(SARANG V. KOTWAL, J.)

Deshmane (PS)