

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

ANTICIPATORY BAIL APPLICATION NO. 1177 OF 2020

1. Rajendra Sharad Butte
2. Sharad Shankar Butte Applicants

Versus

The State of Maharashtra Respondent

ANTICIPATORY BAIL APPLICATION NO. 1184 OF 2020

1. Pratik @ Pranit Jana @ Mahendra Butte
2. Prajwal Manoj Butte Applicants

Versus

The State of Maharashtra Respondent

ANTICIPATORY BAIL APPLICATION NO. 1178 OF 2020

1. Appasaheb alias Govind Shankar Butte
2. Pralhad Shankar Butte.
3. Ganesh Pralhad Butte.
4. Sumitra alias Sunanda Ganesh Butte.
5. Shailesh Sharad alias Pralhad Butte.
6. Rohit Jana alias Mahendra Butte.
7. Akash Dhananjay alias Ghanshyam Butte.
8. Rohan Shubhash Butte. Applicants

Versus

The State of Maharashtra Respondent

Mr. Prasanna Shahane h/f. Milind Deshmukh for Applicants in all ABAs.

Ms. P. N. Dabholkar, APP for State/Respondent in ABA/1177/2020.

Mrs. J. S. Lohokare, APP for State/Respondent in ABA/1184/2020 and ABA/1178/2020.

Mr. Suryavanshi, PC-2583, Junnar Police Station, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th FEBRUARY, 2021

PC. :

1. All these three applications are decided by this common order because they arise out of the same offence and the same investigation.

2. The Applicants are seeking anticipatory bail in connection with C.R.No.521 of 2020 registered with Junnar Police Station, on 30/10/2020, under sections 143, 147, 148,323, 324, 326, 504 and 506 r/w. 149 of the Indian Penal Code (for short 'IPC').

3. Heard Shri. Prasanna Shahane, learned counsel for all the applicants, Ms. Pallavi Dabholkar and Mrs. Lohokare, learned APP for the State.

4. The First Information Report (for short 'F.I.R.') is lodged by one Surendra Kabadi. He has stated that, his brother Santosh had purchased a land at Padali Kabadwadi. On 30/10/2020, at about 3:00p.m. the informant and his nephew Pratik were passing from near that land. They saw that some people were excavating earth from that land. The informant told this fact telephonically to his other nephew Pranit Nalawade. In the meantime, they went to the spot and asked those people to stop that work. At that time, all the applicants started assaulting the informant's group with sticks, axe, sickle etc. After the assault informant went to the police station and lodged this F.I.R.

5. Learned counsel for the applicants submitted that, it was a false F.I.R. and no such incident of assault on the informant's group had taken place. He submitted that, in any case there is no grievous injury caused to anybody, therefore, applicants' custodial interrogation is not necessary.

6. Learned APP relied on the investigation papers and the averments in the F.I.R.

7. I have considered these submissions and in particular, I

have seen the injury certificates in respect of injuries suffered by the informant's group. They are as follows:

i) Injured Pratik had suffered six injuries. All of them were described as simple injuries. There is also mentioning of blurred vision. Learned APP, on instructions, has stated that, there was no such injury caused in the incident and no further treatment was required for that.

ii) Injured Pranit had suffered human bite on his left forearm and three blunt traumas.

iii) Injured Ashutosh had suffered right knee swelling and blunt trauma on his right chest.

iv) Informant Surendra had suffered one abrasion on his forearm and blunt trauma on lower back. There is no axe injury on his head.

8. Thus, it appears that, all the injuries caused in the incident are simple in nature. The description in the F.I.R. is exaggerated. In this view of the matter, custodial interrogation of the applicants is not necessary. They can be protected by orders of anticipatory bail in their favour.

9. Hence, the following order :

ORDER

- (i) In the event of arrest of applicants in all three applications, in connection with C.R.No.521 of 2020 registered with Junnar Police Station, all the applicants 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) All the applications stand disposed of accordingly.

(SARANG V. KOTWAL, J.)