

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

ANTICIPATORY BAIL APPLICATION NO. 2396 OF 2021

Navnath Vishnu Waghmode ...Applicant
Versus
The State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 2346 OF 2021

1. Tukaram Vishnu Waghmode
2. Dnyaneshwar Vishnu Waghmode ...Applicants
Versus
The State of Maharashtra ...Respondent

Mr. Sanjeev Kadam a/w Prashant Raul a/w Nikhil Patil i/b
Prabhakar Jadhav for the Applicants in both ABA.

Mr. A.A. Palkar, A.P.P for the Respondent–State in ABA No. 2396 of
2021.

Ms. P.P. Shinde, A.P.P for the Respondent–State in ABA No. 2346 of
2021.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th OCTOBER, 2021

P C. :

1. ABA No. 2346 of 2021 which was not on board was
taken on board and heard alongwith ABA No. 2396 of 2021.

2. Heard learned counsel for the parties.
3. By these applications, the applicants seek pre-arrest bail in connection with C.R. No. 492 of 2021 registered with the Malshiras Police Station, Solapur, for the alleged offences punishable under Sections 307, 326, 324, 143, 147, 148, 120(B) read with Section 149 of the Indian Penal Code.
4. Learned Counsel for the applicants submits that the dispute between the parties was with respect to the land. He submits that with respect to the incident dated 25th August 2021, one of the applicant Dnyaneshwar Vishnu Waghmode has lodged a cross FIR which was registered vide C.R. No. 493 of 2021, with the very same police station for the offences punishable under Sections 307, 326, 324, 323, 504, 506, 143, 147, 148, 120(B) read with Section 149 of the Indian Penal Code. He submits that the complainant in the present C.R. i.e. Rohan Bandgar has sustained an incised wound on his left palm (grievous injury) and that in the cross FIR lodged by the applicant-Dnyaneshwar Vishnu Waghmode, all the applicants have sustained some injury or the

other, including a grievous injury.

5. Learned APP has tendered the injury certificates of the injured in the present C.R. and in the cross FIR i.e. C.R. No. 493 of 2021. The injuries sustained by the injured in the cross FIR are as under:-

The injury certificate of Savita Dnyaneshwar Waghmode shows that she has sustained a haematoma on the left parietal region, a contusion on the right hand and an abrasion on the left hand. All the said injuries are stated to be simple injuries. The injury certificate of the applicant Tukaram Vishnu Waghmode shows that he has sustained a fracture on the left 5th metacarpal and haematoma on the back. One injury is stated to be grievous and the other simple. The applicant- Dnyaneshwar Vishnu Waghmode has also sustained two injuries i.e. a C.L.W. on vertex and contusion on the back. Both injuries are stated to be simple injuries. The applicant - Navnath has sustained three injuries i.e. a C.L.W. over the occipital region, a contusion on the left shoulder and a haematoma on the left forearm. All injuries are stated to be

simple injuries.

6. It appears that there are FIRs with respect to the incident dated 25th August 2021 lodged by both the sides. The complainant- Dnyaneshwar Vishnu Waghmode in C.R. No. 493 of 2021 and four others have sustained injuries whereas, in the present C.R. i.e. C.R. No. 492 of 2021, the complainant- Rohan Bandgar has sustained one grievous injury. Having regard to the manner in which the incident has taken place, and in the facts, custodial interrogation of the applicants is not warranted. Accordingly, both the applications are allowed and the applicants are granted pre-arrest bail in the following terms and conditions.

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/- each with one or two sureties in the like amount ;
- (ii) The applicants shall report to the Investigating Officer of the concerned Police Station on 8th

and 9th October,2021 between 10.00 a.m. to 12
in the noon, and thereafter, as and when called
for by the Investigating Officer.

- (iii) The applicants shall not tamper or attempt to
influence the complainant, witnesses or any
person concerned with the case.

7. Both the applications are allowed in the aforesaid
terms and are accordingly disposed of.

8. All concerned to act on the authenticated copy of this
order.

REVATI MOHITE DERE, J.