

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2017 OF 2019

1. Anant Ramchandra Tambe
2. Sachin @ Sarjerao Ramchandra Tambe ... Applicants

Versus

The State of Maharashtra ... Respondent

**ALONG WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1797 OF 2019**

Pralhad Narayan Tambe ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Priyal G. Sarada, Advocate for the Applicant in Both Applications.
Mr. A. R. Kapadnis, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd FEBRUARY, 2021

PER COURT:

1. The applicants in both these applications are apprehending arrest in C.R. No.101 of 2019 registered with Vairag Police Station, Solapur, Rural on 16th March, 2019 for offences under Sections 307, 354-A, 354-B, 143, 147, 148, 149, 504, & 506 of Indian Penal Code and Section 135 of Maharashtra Police Act.

2. The FIR was lodged by Ramkishan Shesherao Waghmode. He has alleged that, his wife had complained to him that

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Vilas Tambe had outraged her modesty. The complainant proceeded to question him. He was confronted by Vilas Tambe on the way. However, the complainant was slapped by Vilas Tambe. Vilas called Pralhad Tambe, Sachin Tambe, Pravin Tambe, Rahul Rajendra Patil, Rajendra Manik Patil, Ravindra Patil and Meghraj Tambe. All of them came to the spot. They were armed with iron rod and handle of spade. They assaulted complainant. Pralhad gave blow by iron rod on his head. Rajendra & Pravin threatened him and assaulted on his leg by iron rod. Brother and wife of the complainant were assaulted by Pralhad by butt of spade and Rajendra Patil assaulted by sickle. The brother of the complainant was assaulted by Vilas by iron rod, Rahul Patil by sickle, Anant Tambe, Ravindra Patil, Sachin Tambe by stick.

3. The FIR was lodged from the applicant's side vide C.R. No.102 of 2019 for offences under Sections 307, 143, 147, 148, 149, 504, 506 of Indian Penal Code and Section 135 of Maharashtra Police Act. The said FIR was lodged on 16th March, 2019. In the said FIR it was alleged that on 15th March, 2019 on account of property dispute Ramkrishna Waghmode, Gopal Waghmode, Gajendra Waghmode, Devanand Waghmode and others had assaulted complainant in that case and others therein with sword, sickle, iron

rod & bamboo sticks. The FIR was lodged by Pravin Narayan Tambe. He is brother of the applicant in Anticipatory Bail Application No.2017 of 2019.

4. Learned advocate for the applicants submitted that the complainant in C.R. No. 101 of 2019 and other eye witnesses have exaggerated their version. The statements of complainant and others are not corroborated by medical evidence. The injuries sustained by the complainant and others are simple in nature. Whereas the Seven persons from the applicant's side including applicants had sustained injuries. Minor role was attributed to applicants in Anticipatory Bail Application No. 2017 of 2019.

5. Learned APP submitted that specific overt act has been attributed to applicants by the witnesses. The complainant has named the applicant Pralhad Tambe. He had assaulted the complainant and wife of the complainant. Although the injuries are of simple nature, involvement of the applicants is apparent from the record and statements of eye witnesses.

6. I have perused the documents on record. The incident had occurred on 15th March, 2019. There are cross cases registered against each other. The offences were registered for offence under Section 307 of Indian Penal Code by both the sides. The complainant

and eye witnesses herein are the accused in the cross complaint. Learned counsel for the applicant brought to my notice the injury certificates of seven persons who were injured from the applicant's side. The applicant Pralhad Tambe had sustained CLW/contusion and abrasion by hard and blunt object. Vilas Tambe had sustained three grievous injuries. Rahul Patil had sustained CLW on frontal region which is simple in nature. Rajendra Manik Patil had sustained 4 injuries which were simple in nature. Pravin Tambe had sustained 3 injuries. Two of them are grievous. Meghraj Tambe had sustained three injuries out of which two are grievous injuries. Sarjerao had suffered six injuries and two of them are grievous.

7. I have perused the injury certificates of the complainant and other injured persons in the present case. The complainant's wife had sustained CLW on head which are simple injury. Gajendra had sustained abrasion, contusion which are of simple nature. Ramkrishan Waghmode had sustained 6 injuries, all are of simple nature. Five of them are abrasions.

8. Prima facie it appears that the version of complainant and witnesses is exaggerated. The applicant in Anticipatory Bail Application No. 1797 of 2019 was granted interim protection by this Court vide order dated 16th August, 2019. Learned counsel for the

applicant submitted that he had not misused the interim protection granted to him. Applicants in Anticipatory Bail Application No. 2017 of 2019 were granted interim protection vide order dated 20th September, 2019. It is submitted that they have not misused the interim protection. In these circumstances, interim order granted by this Court can be confirmed.

ORDER

- (i) Anticipatory Bail Application Nos. 2017 of 2019 & 1797 of 2019 are allowed;
- (ii) The interim orders passed by this Court stands confirmed.
- (iii) In the event of arrest of the applicants in connection with C.R. No.101 of 2019 registered with Vairag Police Station, Solapur, Rural, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iv) The applicants shall attend the investigating officer as and when called for till filing of charge-sheet;
- (v) The applicants shall not tamper with evidence.
- (vi) Anticipatory Bail Applications stand disposed of accordingly.

9. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)