

PMB

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2545 OF 2019**

Nityanand Dhyanoba Waghmare .. Applicant

vs.

The State of Maharashtra and ors. .. Respondents

Mr. Kuldeep S. Patil for the Applicant.

Smt. Veera Shinde, APP for the State.

Mr. Avinash Kaldade, P.I., Kasarwadavali Police Station, Thane
present.

Mr. Vivek R. Yadav I/b. Mr. Pankaj D. Purway for Respondent No.4.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 7, 2021

P.C.

Heard learned counsel for the parties.

2. This application relates to cross complaint filed by two groups against each other. Mr. Nityanand Dhyanoba Waghmare is seeking pre-arrest bail. The First Information Report ('FIR' for short) dated 17.10.2019 is lodged by one Mr. Lakshman Gurudatta Vitkar alleging that the Applicant assaulted Uttam Shelke. The offence therefore came to be registered vide C.R. No.I 0257 of 2019 under Sections 326, 143, 144, 147, 148 and 149 of the Indian Penal Code on 17.10.2019. The injury certificate of Mr. Uttam Shelke reveals that the alleged history of assault is A/H/O stab injury on right side of lower abdomen over 10, 11, 12 rib area. CLW 6X2 cm, Bleeding.

It is further stated that the patient is stable and shifted to ward on the same date.

3. It appears that the Applicant in this Anticipatory Bail Application and the Applicants in Anticipatory Bail Application No.2568 of 2019 are known to each other and on 17.10.2019, viz the date of the incident, the two groups clashed against each other. Cross complaint have been registered. Mr. Nityanand Dhyanoba Waghmare as well as Mr. Uttam Shelke are injured. This Court by an order dated 02.12.2019 recorded the submission of learned counsel for the Applicant that the parties have settled the dispute and the quashing petition is pending in this Court.

4. The Applicant is granted interim pre-arrest bail on 02.12.2019. Learned counsel for the Applicant and complainant reiterates that the matter has been settled and the Petition for quashing is pending in this Court.

5. Be that as it may, in the present case it is seen that the Applicant is also injured witness and suffered the injuries on head and fracture of 5th, 6th, 7th and 8th ribs. Learned counsel states that the Applicant in this Anticipatory Bail Application and the Applicants in Anticipatory Bail Application No.2568 of 2019 (complainant) are known to each other and that they have settled the dispute. The custodial interrogation in these facts is not necessary as moreover the applicant is on interim pre-arrest bail since October, 2019.

6. Hence, the following order :-

ORDER

(i) The Application is allowed.

(ii) In the event of arrest of the Applicant in C.R. No.I 0257 of 2019 registered with the Kasarwadavali Police Station, district Thane, the Applicant shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

(iii) The Applicant shall report to the concerned Police Station as and when called.

(iv) The Applicant shall not threaten or tamper with the prosecution witnesses.

7. Anticipatory Bail Application is disposed of.

(M.S.KARNIK, J.)

Digitally
signed by
PRADNYA
MAKARAND
BHOGALE
Date:
2021.08.07
17:34:11
+0530