

Uttam Bhausahab Shelke and ors. .. Applicants

VS.

The State of Maharashtra .. Respondent

Mr. Vivek R. Yadav I/b. Mr. Pankaj D. Purway for the Applicants.

Smt. P.N. Dabholkar, APP for the State.

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

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. The applicants are seeking pre-arrest bail. The First Information Report ('FIR' for short) dated 17.10.2019 is lodged by one Nityanand Dhnyanoba Waghmare. The offence came to be registered vide C.R. No.258 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. Nityanand Dhnyanoba Waghmare reveals that the alleged history of assault and he has received a head injury and there are fracture of 5th, 6th, 7th and 8th ribs.

3. It appears that the Applicants in this Anticipatory Bail Application and the Applicant in Anticipatory Bail Application No.2545 of 2019 are known to each other and on 17.10.2019, viz the date of the incident, these two groups clashed. Cross complaint have been registered against each other. Mr. Nityanand Dhyanoba Waghmare (complainant) 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 Applicants in the said Anticipatory Bail Applications that the parties have settled the dispute and the quashing petition is pending in this Court.

4. The Applicants are granted interim pre-arrest bail on 02.12.2019. Learned counsel for the Applicants 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 even the Applicant No.1 is an injured witness and suffered the following injuries : 'Stab injury on right side lower abdomen over 10, 11, 12 rib area; CLW 6X2 cm, Bleeding'. Learned counsel states that the Applicants in this Anticipatory Bail Application and the Applicant in Anticipatory Bail Application No.2545 of 2019 are known to each other and that they have settled the dispute. The custodial interrogation in these facts is therefore not necessary and moreover the Applicants are 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 Applicants in C.R. No.258 of 2019 registered with the Kasarwadavali Police Station, district Thane, the Applicants 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 Applicants shall report to the concerned Police Station as and when called.

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

7. Anticipatory Bail Application is disposed of.

(M.S.KARNIK, J.)

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