

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.243 OF 2021

(Prakash s/o. Vitthal Patil - Tikar and others Vs. State of Maharashtra, through PSO, PS
Khamgaon (Gramin), Dist. Buldhana)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Mahesh Rai, Advocate for applicants
Shri Amit Chutke, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATE : 10th JUNE, 2021.

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. This application is moved by the applicants under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with crime No.82 of 2021, registered with Police Station Khamgaon (Rural), dated 18.03.2021, for the offence punishable under Sections 143, 147, 148, 149, 452, 323, 324, 326, 504, 506 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, 1951.

3. It is the case of the prosecution that, the informant Shivajirao Yashvantar had lodged a report stating therein that on 17.03.2021, around 6 to 7 p.m. on the count of petty dispute between small children,

accused No.1 Dhananjay Patil and his wife Pallavi quarreled with the informant. The wife of the informant gave understanding to the accused. It is further stated that when the informant and his son Dnyaneshwar were at home, at that time accused Nos.1 to 16 entered into the house and assaulted the family members of the informant.

4. I have heard the learned counsel for the respective parties.

5. Shri Rai, the learned counsel for the applicants, points out that in the First Information Report, it is alleged that the applicant No.2 has used "rod" at the time of alleged incidence, whereas other applicants assaulted by fist and blows. He further points out that the Investigating Officer has already recovered the said "rod" from applicant No.2 and as such the custody of the applicants are not necessary in the present matter for further investigation. It is submitted that both the parties have filed counter First Information Reports against each other i.e. FIR No.81/2021 and FIR No.82 of 2021.

6. On the other hand, the learned APP opposes the application and prays for dismissal of the application.

7. Today, this Court has allowed the application

for anticipatory bail of three co-accused, namely Arpit s/o. Ashok Patil-Tikar, Atul s/o. Arun Patil-Tikar, and Sadanand s/o. Bharat Patil-Tikar. While allowing the said application, this Court has observed that the main accused Dhananjay Patil has already been released on bail by the Judicial Magistrate First Class, Court No.II, Khamgaon, and since the custody of the applicants is not necessary, the said application was allowed.

8. In the said backdrop, I am of the opinion that on the same ground, the applicants in the present application, are also entitled to be released on bail in the event of their arrest. Accordingly, I pass the following order:

ORDER

- i) The application is allowed.
- ii) The non-applicant is directed that in the event of arrest to the applicants in crime No.82 of 2021, registered with Police Station, Khamgaon (Rural), District Buldhana, dated 18.03.2021, for the offence punishable under Sections 143, 147, 148, 149, 452, 323, 324, 326, 504, 506 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, 1951, the applicants be released on bail on furnishing P.R. Bond of Rs.25,000/- each with solvent surety of like amount.

iii) The application is accordingly disposed of.

JUDGE

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