

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 920 OF 2022

Shubham Chandrakant Kharmate

And Ors.

..Applicants

V/s.

The State of Maharashtra

..Respondent

Mr. Umesh R. Mankapure, for the Applicants.

Mrs. J.S. Lohokare , APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 6 APRIL 2022

P.C.

1. The Applicants, apprehending their arrest, in Crime No. 95 of 2022 registered with Vishrambag Police Station, District Sangli for the offence punishable under Section 147, 148, 149, 307, 326, 506 and 504 of IPC and Section 184 of the Motor Vehicles Act, 1988 are seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 1 March 2022 lodged by Nikesh Dinkar Madne.

3. I have heard learned counsel for the parties. Perused record.

4. It appears that the incident is outcome of the dispute between two groups of cable operators. Admittedly, there are cross FIRs registered in respect of the said incident which happened on 28 February 2022 at about 12:30 a.m.

5. The learned counsel for the Applicants strenuously urged that the FIR registered by the Applicant Shubham Kharmate is prior in point of time, on the basis of which an offence at Crime No. 93 of 2022 is registered against the complainant and others. He submitted that the complainant and some of the persons injured are having criminal antecedents. He submitted that there was an attempt to interfere with the cable connections provided by Prime Network Solution Internet Service Pvt. Ltd. of Applicant Shubham Kharmate. It is submitted that the complainant and others are having a cable connection network by name Sangli Media Services. In short, according to the learned counsel the incident is outcome of the said dispute. The learned counsel points out that the co-accused Pravin Patil has been granted anticipatory bail by this Court. No parity is claimed with Pravin Patil inasmuch as the anticipatory bail to Pravin Patil was granted on account of the fact that prima facie Pravin Patil was seen at a different place on the date and time of the incident, which was verified by the investigating officer. However, the submission is that the complainant has made an attempt to falsely implicate even Pravin Patil, which shows that the complaint is

lodged out of vengeance in order to falsely implicate the Applicants.

6. Learned APP has submitted that the Applicants have been specifically named in the FIR and the incident was result of the prosecution of common object of the unlawful assembly.

7. I have considered the circumstances and the submissions made. At the outset, it is necessary to note that parity neither arises, nor is claimed insofar as the grant of anticipatory bail to Pravin Patil is concerned. Insofar as the present Applicants are concerned, they have been specifically named in the FIR, attributing a role of assault by fist and kick blows and by Hockey sticks. There are two injured on either side. Insofar as the injured in present case are concerned one of them is shown to have suffered grievous injury on right side of head. The incident itself is not disputed inasmuch as there are cross FIRs. The dispute is only about the version given by Applicants and that by the complainant, which in my considered view, is the matter of investigation, which is paramount consideration, at this stage for which the custodial interrogation is warranted. No case for grant of anticipatory bail is made out.

8. The Anticipatory bail application stands rejected.

9. It is made clear that observations herein are for the limited purpose of deciding the application for anticipatory bail and the learned Sessions Court shall not be influenced by the same at any subsequent stage of consideration of application for regular bail, if any.

(C.V. BHADANG, J.)