

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1355 OF 2022

Daji Raghu Hole and Ors. .. Applicants

Versus

The State of Maharashtra .. Respondent

...

Mr. Shailesh Chavan a/w Jitendra Sawant for the Applicants.

Mr. H.J. Dedhia, APP for the Respondent/State.

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CORAM : BHARATI DANGRE, J.

DATED : 24th MAY, 2022

(VACATION COURT)

P.C:-

1. On 25.04.2022 an NC came to be registered with Khed Police Station on a complaint given by one Vandana Kantaram Hole, reporting about an incident which took place at 13.44 hrs. The NC report record that the accused persons had abused and threatened the complainant. The accused are mentioned as one Suresh Daji Hole and Baban Hole.

On the very same day, a complaint came to be lodged by son of Vandana Hole, namely Atul Kantaram Hole in respect of the very same incident in which the present Applicants along with one Gaurav are named as accused.

The complainant narrated that on 25.04.2022 at around 1.00 p.m., when he was approaching coaching classes, the accused

persons intercepted him and assaulted him by means of iron rods on his arm, back, right hand wrist as well as his legs, which resulted into a fracture to his hand. The incident resulted in registration of CR No. 0307 of 2022 invoking Section 323, 324, 325, 326, 504, 506, 143, 147, 148 and 149 of IPC.

The FIR reflect the time of incident to be 13.00 hours on 25.04.2022.

2. The learned counsel for the Applicants has invited my attention to the contrary version contained in NC are registered at 13.44 hrs and the subject FIR registered at 13.00 hrs. In the NC, there is no reference of assault, but what is mentioned is only abuse and threats.

3. The learned APP has produced on record medico legal certificates of two injured i.e. Kantaram Hole, father of the complainant, who has sustained a contused injury on left hand dorsal aspect, which is described as grievous injury, as it has caused fracture of 5th metacorsal neck (right side). The complainant himself has sustained a contusion injury on right forearm which is classified as a simple injury.

4. In the wake of the contradiction which appears in the NC as well as complaint, the Applicants deserve to be released on bail, in the event of their arrest, looking to the nature of the injuries

sustained by the complainant and his father, which is alleged to have been caused by iron rods, subject to the stipulation that they shall co-operate in the investigation. It ultimately appear that the complainant as well as accused belong to the same clan and considering that the nature of the injury sustained by the complainant is simple, whereas only one grievous injury is sustained by his father, the following order would serve the purpose of justice.

ORDER

(a) In the event of their arrest, Applicant No.1 **Daji Raghu Hole**, Applicant No.2 **Suresh Dajibhau Hole**, Applicant No.3 **Baban Ganpat Hole**, Applicant No.4 **Balu Genu Hole**, Applicant No.5 **Manik Balu Hole**, Applicant No.6 **Rupesh Balu Hole**, Applicant No.7 **Mangesh Vitthal Hole**, Applicant No.8 **Gaurav Rohidas Hole**, shall be released on bail in Crime No. 307 of 2022 registered with Khed Police Station, Pune on furnishing P.R. bond to the extent of Rs.25,000/- each with one or two sureties each of the like amount.

(b) The Applicants shall report to the concerned police station on every Tuesday and Friday between 11.00 a.m. to 2.00 p.m. for a period of two weeks and thereafter, as and when called for.

(c) The Applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to

Court or any Police Officer and shall not tamper with evidence.

Criminal application is disposed off.

(SMT. BHARATI DANGRE, J.)