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WITH
ANTICIPATORY BAIL APPLICATION NO.1548 OF 2022

Sabir Abdul Aziz Patel and Others ...Applicants
vs.
The State of Maharashtra ...Respondents

Mr. Sujit Shelar, for the Applicant in ABA No. 1472 of 2022.
Mr. Chaitanya Kulkarni i/b. Mr. Asit Chaware, for the Intervener in
IA. No. 1666 of 2022 and ABA No. 1548 of 2022.
Mrs. J.S. Lohkare, APP, for the State.

CORAM : N. J. JAMADAR, J.
DATE : JULY 01, 2022

P.C.:

1. Heard the learned counsel for the applicants.
2. By an order dated 8th June, 2022, while granting the interim protection, this Court has observed, inter alia, as under:-

2]In consideration of these facts, it was suggested to the Counsel for the applicants and the Intervenor that, it would be in the interest of the villagers, if they amicably resolve the issue. They were suggested to file an Undertaking that, they would not indulge in any acts of contravention of any law, so as to disturb the public peace in the same village. Applicants have tendered a draft of an Undertaking which

is taken on record. However, accused in cross FIR No. 152/2022 have neither filed an Undertaking, nor applied for pre-arrest bail.

3] Having regard to the facts of the case, the Court suggested the Counsel for the intervenor may, prefer an application for pre-arrest bail in Crime No.152/2022 registered against them without first approaching the Court of Sessions.

4] Learned Counsel appearing for Intervenors agreed to file anticipatory bail application in this Court before 15th June, 2022. If such an application is filed, it shall be heard with Anticipatory Bail Application No. 1472/2022 on 20th June, 2022.

3. The learned counsel for the applicants in Anticipatory Bail Application No. 1472 of 2022 submits that pursuant to the aforesaid direction, the applicants in cross case arising out of C.R. No.152 of 2022, have preferred an application No. 1548 of 2022 for pre-arrest bail. The learned counsel further submits that the applicants have also filed undertakings in terms of the directions of the Court.

4. Para 2 to 4 of those undertakings read as under:-

2. I state that due to certain misunderstandings and in the heat of the movement, on 22/05/2022 there was fight between two groups of villagers resulting into injury on either side. I state that I have also been alleged to be one of the assaulter in the said fight.

3. I state that case and cross cases have been filed in the said Police Station by both the

parties involved in the sudden fight as injuries were sustained by people on both sides. The members of the said groups are acquainted with each other being residents of the same village and some of them are related to each other.

4. In view of the aforesaid facts, I, do hereby undertake that I shall not indulge in any acts in contravention of any law so as to disturb the peace and public tranquility in the said village or do any wrongful act that may probably occasion a breach of peace and public tranquility in the said village. I shall abide by all the rules, regulations and laws in force. I shall not get involved in any dispute with the informant or his relatives which is likely to cause any breach of peace or otherwise.

5. I also undertake to attend the concerned police station as and when required in the said crime No. 149/2022 for further investigation. I shall abide by all my undertakings given before this Hon'ble Court.

5. The applicants in Anticipatory Bail Application No. 1548 of 2022 have also filed similar undertakings.

6. The learned APP, submitted that though the victims in both the cases have suffered grievous injuries yet having regard to the settlement arrived at between the parties and the possibility of ensuring a lasting peace in the village, the Court may consider the prayer of the applicants.

7. It appears that the incident occurred on account of a dispute

which flared into rioting in which the members of both the groups sustained injuries. While granting interim protection, this Court has recorded that the fight ensued over a trivial issue.

8. In the backdrop of the genesis of the dispute and the fact that the parties have amicably resolved the dispute and undertakings have been filed in this Court, not to indulge in any activity like the one for which the applicants are arraigned in these crimes, it may be expedient to exercise the discretion in favour of the applicants in both the cases.

Hence, the following order.

ORDER

1] The Anticipatory Bail Application Nos. 1472 of 2022 and 1548 of 2022 stand allowed.

2] In the event of arrest in connection with C.R. No. 149 of 2022 and C.R. No. 152 of 2022 registered with Talaja police station, the applicants in both the applications be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each and one or two sureties in the like amount.

3] The applicants shall attend Talaja police station as and when directed.

- 4] The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- 5] The applicants shall regularly attend the proceedings before the jurisdictional Court.
- 6] The applicants shall strictly abide by the undertakings given to the Court.
- 7] The applicants shall not indulge in any activity identical to the one for which they are arraigned in this case.
- 8] The applications stand disposed of.
- 9] In view of the disposal of main application, Interim Application No. 1666 of 2022 stands disposed of.

(N. J. JAMADAR, J.)