

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2031 OF 2022

1. Mr. Mahesh Arun Gaikwad	
2. Mr. Avinash Balu Gaikwad	
3. Mr. Ashok Balu Gaikwad	
4. Mr. Balu Zumber Gaikwad	
5. Mr. Arun Zumber Gaikwad	 Applicants
v/s.	
The State of Maharashtra	 Respondent

Mr. Ranjeet Pawar for the Applicants in ABA/2031/2022.
Mr. Pranav H. Bhoite for the Applicants in ABA/2058/2022
and ABA/2057/2022.
Ms. G.P. Mulekar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 24th AUGUST, 2022.

P. C. :-

1. This is an Application under section 438 of Cr.P.C. for pre-arrest bail in C.R.No.294/2022 registered with Daund Police Station, Dist. Pune for offences punishable under sections 143, 147, 148, 307, 323, 504, 506 r/w. 149 of the Indian Penal Code and sections 4, 25 of Indian Arms Act.

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by Santosh Gaikwad. A perusal of the FIR reveals that there was dispute between the complainant and the Applicants and his family members over water canal. The FIR reveals that on 03/06/2022, while the complainant and Sayaji were repairing pipeline in their paddy field, the Applicants along with other family members reached the spot and abused them. It is stated that the Applicant Mahesh and Arun assaulted the complainant and Sayaji with *satur* and *koyta* (sharp weapons). It is also stated that the other applicants assaulted them by kicks and blows.

4. The records reveal that the complainant had sustained CLW on occipital region and Sayaji had also sustained CLW on parieto temporal region. Both these injuries were simple in nature. The records also reveal that the Applicant – Arun had also lodged FIR against the complainant Santosh Gaikwad and others for assaulting them by means of sharp weapons. The said FIR was prior in point of time and perusal of the said FIR as well as the records reveal that the Applicant – Balu was allegedly assaulted by Sayaji and he had sustained fracture of the skull. The records also indicate that Arun was also assaulted and suffered fracture of maxilla.

5. Considering the above facts and circumstances and particularly the nature of the injuries suffered by the complainant and Sayaji, in my considered view, the Applicants are entitled for pre-arrest bail. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicants in C.R.No.294/2022 registered with Daund Police Station, Dist. Pune, they shall be released on bail, on furnishing P.R. bonds in the sum of Rs.20,000/- each with one or more sureties in the like amount ;

(b) The Applicants shall report to the Investigating Officer for four days from 29/08/2022 from 10:00 a.m. to 01:00 p.m.

(c) The Applicants shall not interfere with the complainant and the other prosecution witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(d) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers,

and/or change of residence or mobile details, if any, from time to time.

6. Application stands disposed of.

PREETI
H JAYANI

Digitally signed
by PREETI H
JAYANI
Date: 2022.08.30
15:14:43 +0530

(SMT. ANUJA PRABHUDESSAI, J.)