

Rekha Patil

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

ANTICIPATORY BAIL APPLICATION NO. 2103 OF 2022

1. Dattatray Ramdas Thikekar
2. Gorakh Ramdas Thikekar
3. Sunil Pandurang Ghode
4. Arun Popat Panage ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Shailesh Kharat, for the Applicant.
Smt. P. N. Dabholkar, A.P. P, for Respondent-State.
Mr. A. P. Panhalkar, API, Shirur Police Station, Pune (Rural) present.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 3rd AUGUST, 2022.

P.C. :

1. Heard learned Counsel for the applicants and learned APP.
2. In short, an FIR came to be lodged by an Indian Navy personnel against the applicants on 26/06/2022 at 19:31 hours, alleging that by forming an unlawful assembly, out of a political rivalry, they had brutally assaulted the first informant attempting to commit his murder by means of iron rod, wooden sticks, fist and kick blows. Due to the assault, the first informant sustained a serious head injury and therefore, was required to be admitted in Vedanta Criticare Multispecialty Hospital, Shirur.
3. Bhausahab Panage and Bhausahab Kite, the main accused,

have already been arrested by the police, who alleged to have dealt fatal blows to the first informant.

4. Mr. Kharat, learned Counsel for the applicant, invited my attention to the allegations in the FIR *qua* the applicants, where it is reflected that they had assaulted the first informant by means of wooden stick on his hands, legs, back and then escaped from the spot. However, medical certificate of the first informant does not indicate injuries of such nature, especially, on his back, legs and hands except abrasion over left forearm and blunt trauma to the left hand.

5. Prima facie, the ingredients of Section 307 of the Indian Penal Code may not be attributable to the applicants but to the main accused, namely, Bhausahab Panage and Bhausahab Kite, who have assaulted the first informant on his head by means of iron rod.

6. Though, it is submitted by the learned APP that having considered the nature of the injuries suffered by the first informant and the fact that it was an act of unlawful assembly, the applicants do not deserve any protection, I am afraid this submissions can not be countenance in light of the observations made herein-above.

7. Except Section 307 rest of the sections are bailable. Liberty of the applicants, therefore, needs to be protected.

8. Considering the rival submissions, following order is passed.

ORDER

(i) The applicants be released on bail, in the event of their arrest, in Crime No.468 of 2022, registered with Shirur Police Station, Pune, for the offences punishable under Sections 307, 143, 147, 148, 149, 324, 504, 506, 323 of the Indian Penal Code, on furnishing a PR bond in the sum of Rs.25,000/- each with one surety in the like amount.

(ii)The applicants shall report the Investigating Officer and assist in investigation by attending the police station on each Tuesday and Saturday between 10:00 a.m. and 01:00 p.m.

(iii)The applicants shall not make any attempt to influence any of the prosecution witnesses.

(iii)The applicants shall also furnish their permanent residential address and cell phone numbers to the Investigating Officer.

9. Application is disposed of accordingly.

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REKHA PRAKASH
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Date: 2022.08.05
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[PRITHVIRAJ K. CHAVAN, J.]