

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI. ANTICIPATORY BAIL APPLICATION NO. 2619 OF 2021

Tejas Waghmare & Ors. ..Applicants

Vs.

The State of Maharashtra ..Respondent

WITH
INTERIM APPLICATION NO. 424 OF 2022
IN
CRI. ANTICIPATORY BAIL APPLICATION NO. 2619 OF 2021

Kiran Bhimrao Waghmare ..Applicant

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IN THE MATTER BETWEEN

Tejas Waghmare & Ors. ..Applicants

Vs.

The State of Maharashtra ..Respondent

Mr. Paresh B. Thakar, for the Applicants.

Mr. Umesh S. Iyer a/w. Mr. Devendra Avhad, for the Intervener.

Ms. M. R. Tidke, APP for the Respondent / State.

PN 11210 Sachin Tukaram Rathod, Wakad Police Station, Pune.

CORAM : C.V. BHADANG, J.
DATE : 7 MARCH 2022

P.C.

. The Applicants, apprehending arrest, in connection with investigation of Crime No.695/2021 of Police Station Wakad, Pimpri Chinchwad, Pune, under Section 326, 324 and 504 r/w. 34 of IPC, are seeking anticipatory bail.

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

3. The aforesaid crime is registered on the basis of the complaint lodged by Kiran Bhimrao Waghmare on 21 August 2021. The incident in question is alleged to have happened on 20 August 2021 at about 9.00 p.m. It appears that there was a cross complaint lodged by Applicant No.3 Rupesh Ramesh Shinde, on the basis of which, Crime No.696/2021 is registered under Section 326, 324, 323, 504 and 427 r/w. 34 of IPC.

4. The learned counsel for the Applicants states that subsequently the offence under Section 307 of IPC has been added in Crime No.696/20210.

5. Learned APP has produced the injury certificate of informant Kiran Waghmare who is injured in the present case and the medical certificate dated 20 October 2021 shows that Kiran Waghmare has

sustained two simple injuries. It is in this regard, it is submitted by the learned counsel for the Applicants that *prima facie*, offence under Section 326 of IPC may not be attracted. Necessary recoveries are already made.

6. Learned APP states that the stones which were allegedly used in the offence are recovered from the spot. Interim protection is operating since 29 October 2021.

7. In such circumstances, the following order is passed.

ORDER

(i) In the event of their arrest, in connection with investigation of Crime No.695/2021 of Police Station Wakad, Pimpri Chinchwad, Pune, the Applicant No.1 Tejas Waghmare, Applicant No.2 Vinod Ramesh Shinde, Applicant No.3 Rupesh Ramesh Shinde and Applicant No.4 Nilam Kundan Waghare @ Kamini Waghmare, be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties each, in the like amount.

(ii) The Applicants shall report to the Investigating Officer on 16/3/2022 and 17/3/2022 between 11.00 a.m. to 1.00 p.m. and as and when

required and shall cooperate with the Investigating Agency.

(iii) The Applicants shall not tamper with the prosecution evidence / witnesses.

(iv) The Criminal Application is disposed of, in the aforesaid terms.

(v) The Interim Application is also disposed of.

C.V. BHADANG, J.