

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3219 OF 2022

1. Sachin Atmaram Patharkar

2. Shravan Atmaram Patharkar

3. Amar Atmaram Patharkar

....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. Sushil D. Shinde, Advocate for the applicants.

Mr. A.A. Palkar, APP for State.

API, Mr. P.Y. Waghmare, from Baramati Police Station
present.

CORAM : SANDEEP K. SHINDE, J.

FRIDAY, 18TH NOVEMBER, 2022.

P.C. :

1. In the scuffle between the family members, applicant no.1 had sustained injuries and admitted to the Hospital. However, he declined to lodge the complaint, as could be seen from the station diary. However, in cross-

complaints filed by Gajanan Narayan Gaikwad, Crime No. 425/2022 came to be registered against the applicants at the Baramati City Police Station for the offences punishable under Sections 395, 307, 326, 504, 506 of the Indian Penal Code.

2. Applicants are apprehending arrest in connection with Crime No. 425/2022.

3. Heard learned Counsel for the applicant, Ms. Dabholkar, for the State. Investigating Officer is present.

4. I have perused the investigation papers. The Medico Legal Certificate, shows that, mother of the complainant had sustained four simple injuries. Neither, the complainant, nor other family members had suffered or sustained any injury in the scuffle.

5. Be that as it may, learned Counsel for the applicant has invited my attention to para-7 of the order dated 21st October, 2022 by which pre-arrest protection was refused to the applicants. Wherefrom it appears that the complainant had submitted his Affidavit, stating that, since dispute has been settled, he does not have any complaint against the accused persons. Counsel for the applicant, would therefore submit that, in view of the Affidavit, the custodial interrogation of the applicants is not required. Mr. Palkar, on the other hand, would place on record, the criminal antecedents of the applicants. As against applicant no.1,

seven offences have been registered; whereas against applicants no.2 and 3, two offences and five offences have been registered respectively. Mr. Palkar, would therefore submit that the trial Court has correctly rejected and refused to rely on the Affidavit of the complainant. True that, there are criminal antecedents and several crimes have been registered against the applicants, nevertheless, the fact remains, the applicant no.1 had also suffered injury in the alleged scuffle and was admitted to the hospital. Moreover, the complainant's mother who was allegedly beaten up by the applicants had sustained simple injuries. Above all, the complainant has filed Affidavit sworn before the Superintendent, Additional, District & Sessions Court, Baramati, District-Pune, stating that the dispute has been settled. Taking all facts together, I am inclined to exercise discretion in favour of the applicants. Hence, the following order :

ORDER

(i) In the event of arrest of the applicants in Crime No. 425/2022 registered with Baramati City Police Station, Pune, they shall be released on bail on executing P.R. Bond in the sum of Rs. 20,000/- (Rs. Twenty Thousand only) with one or more local sureties in the like amount;

(ii) Applicants shall report to the Investigating Officer as

and when called.

(iii) Applicants shall furnish their residential address and contact details to the Investigating Officer within a week from today.

(iv) Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6. Application is allowed and disposed of in the aforesaid terms.

**NEETA
SHAILESH
SAWANT**

(SANDEEP K. SHINDE, J.)

Digitally signed by
NEETA SHAILESH
SAWANT

Date: 2022.11.18
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