

Darshan Patil

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

ANTICIPATORY BAIL APPLICATION NO.3330/2022

CHINTAMANI GANGADHAR KARKHANIS
& ANR.

..APPLICANTS

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Sayal Danish i/b Nitin Satpute for applicant.

Ms. A. A. Takalkar, APP for State.

API Chaudhari, EOW Mira Bhayander is present.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 14, 2022.

P.C. :

1. Heard learned counsel for the applicant. Learned counsel for the applicant requested for sometime as his senior is busy. I have asked him to argue the matter.

2. This is an application for pre-arrest bail in respect of the First Information Report (FIR) registered vide C.R.No. I-256 of 2022 registered with Shrinagar Police Station on 15/11/2022 for the offence punishable under Sections 392, 323, 504, 143, 147, 149 of the Indian Penal Code, 1860 (hereafter 'IPC', for short) and under sections 37(3) and

135 of the Maharashtra Police Act, 1935 (hereafter 'MP Act', for short).

3. The applicant nos. 1 and 2 are of 72 and 71 years of age respectively. Both are residents of Thane district. Applicants do not have any criminal antecedents. From the FIR lodged by the complainant, the incident is an outcome of some political rivalry between two groups. The complainant stated that the applicants belong to the other group. It is alleged that there was some scuffle between 2 groups in which the complainant and some of his party workers were injured. It is alleged that in the scuffle a gold chain of 25 gms was pulled by the applicants. Learned APP submits that the complainant was called to the police station for investigation. The complainant attended the police station on one occasion. Thereafter when he was called upon to furnish the description of the gold chain and the receipts thereof, there was no response from him. The complainant and the witnesses have not further attended the police station. The FIR was lodged on 15/11/2022. Even the group of the applicants have lodged an FIR on the

same date for the offence punishable under sections 143, 147, 149, 323, 427 of IPC and under sections 37(3) and 135 of MP Act. Thus, there are cross cases between two rival groups. The injury alleged is simple in nature. The photographs placed on record would show that the two groups clashed with each other. It is further pointed out by the learned APP on instructions of the Investigating Officer that the injured were asked to go to the hospital for medical which they refused.

4. As there are no criminal antecedents against applicants, the application for pre-arrest bail deserves to be allowed. The custodial interrogation is not required in the present case. Hence, the following order.

ORDER

(a) In the event of arrest of the applicants in connection with C.R. No. I-256 of 2022 registered with Shrinagar Police Station, the applicant no.1– Chintamani Gangadhar Karkhanis and applicant no.2– Madhukar Parmeshwar Deshmukh @ Anna be released on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;

(b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence;

(c) The applicants shall report to the Investigating Officer of the concerned Police Station on 20/12/2022 and 21/12/2022 between 10.00 a.m. and 1.00 p.m. and thereafter as and when required.

5. The application is disposed of.

(M. S. KARNIK, J.)