

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

ANTICIPATORY BAIL APPLICATION NO. 1040 OF 2021

Prashant Bhaskar Kedar & Ors.

..Applicants

v/s.

The State of Maharashtra .

..Respondents

Ms. Vilasini a/w. Adv. Jaydeep Mane for the Applicant.
Mr. Shrikant Yadav, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 23rd MARCH, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R.No. 214 of 2021 registered with Karmala Police Station, Solapur for offences under Section 143, 147, 148, 149, 324, 326, 504, 506 of the Indian Penal Code.

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 FIR lodged by Suresh Nandram Mane. A perusal of the FIR prima facie reveals that on 28.02.2021 there was an altercation between the Applicants and the Complainant and his brothers over destroying of the embankment in the

paddy field. The first informant claims that the Applicant Nos.1, 3 and 4 were armed with sticks and the Applicant No.2 was armed with an Iron rod. It is alleged that the Applicant Nos.1, 3 and 4 assaulted the Complainant and his brother Yeshwant. It is also stated that the Applicant No.2 had inflicted blow of iron rod on the first informant.

4. The records prima facie indicate that Yeshwant- brother of the first informant had sustained grievous injuries. The material on record prima facie indicates that the co-accused Pramod Kochare and Pankaj Kochare were armed with iron rods and that they had inflicted injuries on Yeshwant, the brother of the first informant. Though it is stated that the Applicants had inflicted injury with an iron rod, there is no prima facie material to indicate that these Applicants were armed with deadly weapons, or that they had caused grievous injury to the Complainant or the other witnesses.

5. It is also to be noted that the co-accused Pramod has also lodged FIR against the first informant and others, pursuant to which crime is also registered against the first informant and others for committing similar offences. The records thus reveal that there was a fight between both the groups and the members of both the groups have assaulted each other and caused serious injuries to each other. The question whether the Applicants were the aggressors and whether they had assembled at

the spot of the incident with a common object of assaulting the first informant and his brother or whether it was only an off shoot of civil dispute, cannot be ascertained at this stage, and will have to be decided on merits at the stage of trial.

6. Considering the above facts and circumstances, in my considered view, this is not a case which warrants custodial interference. Hence the order:-

(i) In the event of arrest of the Applicants in Crime No.-C.R.No. 214 of 2021 registered with Karmala Police Station, Solapur, the Applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each, with one or two sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicants shall report to the Investigating Officer for two days on 27th and 28th March, 2023 and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicants shall keep the Investigating Officer informed of their current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicants shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)