

Sardar Shripat Malavi and Another ...Applicants
vs.
The State of Maharashtra ...Respondent

CORAM: N. J. JAMADAR, J.
DATE: OCTOBER 19, 2023

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. When the application was listed before this Court on 10th April, 2023 this Court was persuaded to grant interim protection.
3. The indictment against the applicants is that on 3rd January, 2023 on account of a dispute over erecting a shed, the applicants and co-accused Dinkar Malvi and his wife Ranjana Malvi and son Akshay Malvi formed an unlawful assembly and in prosecution of common object of the unlawful assembly assaulted the first informant by means of an iron rod and sticks. The first informant further alleged that he was also robbed of cash amount of Rs. 40,000/-.
4. The learned counsel for the applicants submitted that in

respect of the very same occurrence, Dinkar Malvi, accused No. 1, has lodged a report being C.R. No. 3 of 2023 with Kale police station for the offences punishable under sections 323, 504 and 506 of the Indian Penal Code and section 3(1)(r)(s) and 3(2)(va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989

5. I have perused the allegations in the first information report. The role of assault by means of iron rod has been attributed to co-accused Dinkar who was arrested and has since been released on bail. The applicants allegedly assaulted the first informant by means of an iron rod.

6. I have perused the injury certificate. It indicates that only one blunt trauma on the right knee was noted. The medical officer could not opine about the nature of the injury as the first informant took discharge against the medical advise.

7. Prima facie, there is no material to indicate that the first informant sustained grievous injury. In fact only one injury was noted by the medical officer. Ex facie, the said injury is attributable to the assault perpetrated by co-accused Dinkar.

8. In the aforesaid view of the matter and having regard to the fact that the applicants appeared to have roots in the society and the possibility of fleeing away from justice seems to be remote, I am

inclined to exercise the discretion in favour of the applicants.

9. In the event of arrest in C.R. No.7 of 2023 registered with Kale police station, Kolhapur, the applicants be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount, each.

10. The applicants shall cooperate with the investigation and attend Kale police station as and when directed.

11. The applicants shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

12. The applicants shall regularly attend the proceedings before the jurisdictional Court.

13. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)