

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

ANTICIPATORY BAIL APPLICATION NO. 2390 OF 2023

Madhukar Dnyandev Kale and anr. ...Applicants
Versus
The State of Maharashtra ...Respondent

Mr. Sachin Deokar, for the Applicant.
Ms. Anamika Malhotra, APP for the State/Respondent.
API Popat Tilekar, Karmala Police Station, present.

CORAM: N. J. JAMADAR, J.
DATED: 29th NOVEMBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicants and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.741 of 2023, registered with Karmala Police Station, Solapur Rural, for the offences punishable under Sections 307, 323, 324, 326, 327, 452, 504 and 506 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
3. In the order dated 24th August, 2023 in paragraph 3, line No.3 and paragraph 5, line No.2, the name, "Madhukar Kale" be substituted with "Brahmadev Kale".

4. Rest of the order remains unaltered.
5. Order dated 24th August, 2023 be corrected and uploaded.
6. When the application was listed before this Court on 24th August, 2023 this Court was persuaded to grant interim bail to the applicants noting that two of the co-accused were arrested and have since been released on bail by the learned Additional Sessions Judge. It was further recorded that it was necessary to ascertain the nature of the injuries sustained by the injured, especially Brahmadev Kale. I have perused the injury certificates. Baliram Kale, the first informant, has sustained a fracture of the little finger. Brahmadev, the father of the first informant, had fractured 8th, 9th and 10th left side ribs.
7. Upon the perusal of the FIR as well as the statements of Brhamdev Kale; the injured, it becomes evident that the role of assault by means of iron rod is attributed to co-accused Suhas Kale and Dattatraya Kale. The injuries which were noted on the person of the first informant Baliram Kale as well as Brahmadev Kale are *prim facie* attributable to the assault by those co-accused. They were arrested and have

since been released on bail. The alleged weapons of offence, iron rods, have been seized.

8. It seems that the informant party and the accused were at loggerheads over a dispute about right of way. The weapons of assault have also been recovered. In the aforesaid view of the matter, I am inclined to make the order of interim bail absolute.

9. Hence the following order:

: O R D E R :

- (i) Order of interim bail dated 24th August, 2023 is made absolute on the terms and conditions incorporated therein.
- (ii) In addition, the applicants shall regularly attend the proceedings before the jurisdictional Court.

Application stands disposed.

[N. J. JAMADAR, J.]