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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1008 OF 2023**

1. Alpesh Jaganath Kamdi	...
2. Dinesh Babu Kamdi	...
3. Barkya Rama Kamdi	...
4. Ganesh Babu Kamdi	...
5. Babu Rama Kamdi	... Applicants
vs.	
State of Maharashtra	...Respondent

Mr. Aditya Sharma with Priya Maurya for the Applicants.
Mr. H. J. Dedhia APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 20TH APRIL 2023

P. C. :

1. Heard learned Advocate for the Applicants and learned APP for the Respondent-State.
2. The Officer is present.
3. FIR No.63 of 2023, is registered on 13th March 2023, with Dahanu police station in all against seven accused persons, under sections 143, 147, 148, 354, 324, 323, 504 and 506 of IPC. These Applicants are accused Nos.3 to 7.
4. This FIR is lodged by Nirmala Mangesh Wayeda, whereas on

the complaint of Shakuntala Jagannath Kamdi, who is mother of accused No.1-Kaushal Kaushal in present crime has also lodged the complaint in the same police station i.e. 14th March 2023, as C.R.No. 64 of 2023. It is registered under sections 143, 147, 148, 149, 354, 324, 323, 504 and 506 of IPC.

5. Anticipatory Bail is sought on two grounds, first is, there is no allegation of outraging modesty of the first informant at the instance of these Applicants, whereas allegation is against accused No.1-Kaushal Kamdi and accused No.2-Ramji Kamdi. Furthermore, it is contended that this incident took place on 6th March 2023 at about 12.30 in the afternoon at village Ganjar, Taluka Dahanu, District Palghar and it is contended that the members of both parties have assaulted members of rival party.

6. In fact, it is submitted that after this incident, both the parties have gone to Dahanu police station and from side of these Applicants, statement of accused No.1-Kaushal Kamdi was recorded on 6th March 2023. Though he has said about some incident, finally, he has said that they have settled the dispute with the assistance of Sarpanch and former Sarpanch and he is not having complaint. Copy of the said statement is tendered on record and marked as

Annexure “X”. The other witnesses have also signed on back side of that statement.

7. Furthermore, it is said that Sunil Govind Wayada has also given statement on 6th March 2023, thereby informing that in view of intervention by the Sarpanch, he is not having complaint against this complainant. Copy is tendered on record and marked as Annexure “Y”.

8. Learned APP submitted that the statements of Lata Arun Dhinde and Nirmala Mangesh Wayade, who are witnesses recorded in the FIR, are recorded. From their statement, it does not reveals that any chain is lost during scuffle. Considering this, the Applicants have made out case for grant of interim protection from the arrest. Hence, the following order is passed :

O R D E R

- (a) In the event of arrest, Applicant No.1-Alpesh Jaganath Kamdi, Applicant No.2-Dinesh Babu Kamdi, Applicant No.3-Barkya Rama Kamdi, Applicant No.4-Ganesh Babu Kamdi and Applicant No.5-Babu Rama Kamdi be released on bail on furnishing personal bond and surety bond of Rs.15,000/- each

in connection with C.R. No.63 of 2023, registered on 13th March 2023, with Dahanu police station under sections 143, 147, 148, 354, 324, 323, 504 and 506 of IPC.

- (b) The Applicants shall not threaten the prosecution witnesses or allure them in any manner.
- (c) Needless to say, violating of the condition above will make the Applicants liable for cancellation of anticipatory bail, after notice to the Applicants.

9. Application is disposed of accordingly.

10. These are my prima facie observations and the trial Court may not be influenced by that.

11. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]