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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1315 OF 2023**

1. Kaushal Jaganath Kamdi	
2. Ramji Barkya Kamdi	...Applicants
vs.	
State of Maharashtra	...Respondent

Mr. Aditya Sharma i/b Mr. Siddharth Jaiswal for the Applicants.
Mr. S. R. Agarkar APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 8TH JUNE 2023

P. C. :

1. Heard learned Advocate for the Applicants and learned APP for the Respondent-State.

2. The Investigating Officer is present. This Court has already granted anticipatory bail to co-accused on 20th April 2023, in Anticipatory Bail Application No.1008 of 2023. Learned APP is right that the role alleged against those Applicants is different from the role alleged against these two Applicants.

3. The incident took place on 6th March 2023, at about 12.30 hours in the afternoon. There was water shortage in the village Kohoralipada, that's why the first informant along with others were making some alternative arrangement. Deputy Sarpanch- Kaushal Jaganath Kamdi-accused No.1 along with others went to spot and co-accused Alpesh Kamdi objected for installing the motor in bore well and scuffle took place. During scuffle witness Geetha Wayde tried to separate them. During that scuffle Applicant No.2-Ramji tried to pull her and her sari has fallen down. Furthermore, the mangal sutra of witness-Lata Dhinde and the chain of Madhushri Dhinde were misplaced, as a result offence is registered with Dahanu police station, Palghar on 13th March 2023, under sections 143, 147, 148, 354, 324, 323, 504, 506 of IPC.

4. Earlier to that, statement of Kaushal Tambe is recorded on 6th March 2023, wherein he has narrated the incident but also stated that it was settled and now he is not having any complaint. There is also statement of Sunil Wayde. There is counter FIR at C.R. No.64 of 2023, registered on 14th March 2023, at the same police station. It is at the instance of Shakuntala Jagannath Kamdi.

5. In the order dated 20th April 2023, it was observed in para 8 that the statements of Lata Arun Dhinde and Nirmala Mangesh Wayade were recorded. In their statements, they have not said that their chain is lost during scuffle. If these are facts, I do not see that custodial interrogation of the Applicants is required. Hence, the Applicants are entitled for anticipatory bail, and the following order is passed :

ORDER

- (a) In the event of arrest, in connection with C.R. No.63 of 2023, registered with Dahanu police station, Palghar for the offences punishable under sections 143, 147, 148, 354, 324, 323, 504, 506 of IPC, Applicant No.1-Kaushal Jaganath Kamdi and Applicant No.2-Ramji Barkya Kamdibe released on bail on furnishing personal bond and surety bond of Rs.15,000/- each.
- (b) The Applicants shall not threaten the prosecution witnesses or allure them in any manner.
- (c) The Applicants shall cooperate with police and give attendance as and when called.

- (d) Needless to say, violating of the condition above will make the Applicant liable for cancellation of anticipatory bail, after notice to the Applicant.
- 6. Application is disposed of accordingly.
- 7. These are my prima facie observations and the trial Court may not be influenced by that.
- 8. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]