

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

ANTICIPATORY BAIL APPLICATION NO. 1939 OF 2023

Pratik Laxman Botkondle ...Applicant

vs.

State of Maharashtra ...Respondent

**ALONG WITH WITH
ANTICIPATORY BAIL APPLICATION NO. 1944 OF 2023**

Devidas Kashinath Botkondle ...Applicant

vs.

State of Maharashtra ...Respondent

**ALONG WITH WITH
ANTICIPATORY BAIL APPLICATION NO. 1945 OF 2023**

Premkumar Ramchandra Botkondle ...Applicant

vs.

State of Maharashtra ...Respondent

**ALONG WITH WITH
ANTICIPATORY BAIL APPLICATION NO. 1946 OF 2023**

Ramesh Vasudev Botkondle and Ors. ...Applicants

vs.

State of Maharashtra ...Respondent

Mr.Abhay Khandeparkar – Senior Counsel a/w Mr.Vaibhav Kulkarni,
Mr.Rohit P. Mahadik, Mr.Farhan Shaikh, Mr.Saurabh Mittal,
Mr.Shreyas Vaghe, Ms.Apoorva Khandeparkar i/b. Khandeparkar and

Associates – Advocates for Applicants / Intervenor in ABA No.1844 of 2023.

Mr.Tapan Thatte a/w Mr.Vivek Arote for Respondent – Intervenor in ABA No.1939 of 2023, ABA No.1944 of 2023 to ABA No.1946 of 2023.

Mr.S.R.Agarkar - APP for Respondent – State.

Mr.Vikas Naik – Dy.S.P – EOW – Thane Rural.

CORAM : S. M. MODAK, J.

DATED : 31ST JULY 2023

P.C. :

1. Heard learned Senior Advocate Shri.Khandeparkar for the Applicants, learned Advocate Shri.Arote for the First-Informant and learned APP. Investigating Officer is present.

2. Though there is no Intervention Application, learned Advocate Shri.Arote assures that he will file Vakalatnama for the First-Informant within a week.

3. All these Applications arise out of an offence registered with Vashind Police Station at C.R. No. 57 of 2023 at the instance of one Ganesh Shankar Partole. It is registered under Sections 143, 147, 148, 149, 307, 326, 324, 323, 504, 506 of the Indian Penal Code, 1860 [“IPC”] and under Sections 37(1), 135 of Maharashtra Police Act, 1951.

4. The incident took place on 19th March, 2023 at about 7.30 p.m.

Satish Sangar

There was a procession for celebrating the success of the returning candidate one Ramchandra Kashinath Botkondle. Vilas Dattu Partole lost the election. First-Informant Ganesh Shankar Partole is his cousin brother.

5. When the procession came in front of the house of First-Informant Ganesh, there were exchange of words. Accused Ramesh and Sachin scuffled with him and abused him. At that time, one Omkar kicked him on his private parts. The family members came there. They were also assaulted with fist and blows and wooden sticks. At this juncture, Accused Kaluram Kadav pierced a knife in the stomach of one Rajesh Sutar. Someone has thrown chilly powder. The Accused Kaluram Kadav and Sachin Kadav threatened the First-Informant. The First-Informant Ganesh and Rajesh Sutar were shifted to Crystal Care Hospital – Asangaon. That is why, an FIR came to be lodged.

6. Charge-sheet is filed against some of the arrested Accused persons. Learned Senior Advocate Shri.Khandeparkar argued that all these Applicants are only named either in the FIR or in the statement of the witnesses and no overt act is attributed against them. Whereas, learned Advocate for the First-Informant and learned APP

opposed their bail for the reason that an offence of rioting and serious offence under Section 307 of IPC is involved.

7. It is also true that there is cross FIR registered at C.R. No. 58 of 2023. Then subsequently converted into Section 302 of IPC. So, considering the above circumstances and considering the fact that no material is pointed out to show that their custodial interrogation is required, I think all of them can be granted an anticipatory bail.

Hence, order :-

ORDER

- (a) Application is allowed.
- (b) In case of an arrest in connection with C.R. No. 57 of 2023 registered with Vashind Police Station – Thane Rural for the offences punishable under Sections 143, 147, 148, 149, 307, 326, 324, 323, 504, 506 of IPC and under Sections 37(1), 135 of Maharashtra Police Act, the Applicants viz.,
 - (i) Pratik Laxman Botkondle
 - (ii) Devidas Kashinath Botkondle
 - (iii) Premkumar Ramchandra Botkondle
 - (iv) Ramesh Vasudev Botkondle
 - (v) Vasudev Kashinath Botkondle
 - (vi) Ravindra Haribhau Partole
 - (vii) Rahul Ramesh Partole
 - and
 - (viii) Laxman Kashinath Botkondle
 be released on furnishing personal bond and surety bond of Rs.15,000/- each.

- (c) Applicants are directed to give their attendance to Vashind Police Station – Thane Rural on 8th August, 12th August and 19th August, 2023 from 3.00 to 5.00 p.m.
 - (d) Applicants not to threaten the Prosecution witnesses or to allure them in any manner.
 - (e) Applicants to attend the trial Court punctually.
8. These are my *prima facie* observations. Let the learned trial Court need not be influenced by them.
9. Applications are disposed of in the aforesaid terms.
10. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]