

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.2069 OF 2023

Leelabai Jalindar Sorte & Anr.

... Applicants

V/s.

The State of Maharashtra

... Respondent

VAIBHAV
RAMESH
JADHAV
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VAIBHAV RAMESH
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Mr. Ranjeet M. Pawar for the applicants.

Mr. Pandurang H. Gaikwad, APP for the
respondent/State.

Mr. A.M. Bhosale, P. N., Vadgaon Nimbalkar Police
Station, Pune is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 26, 2023

P.C.:

1. Apprehending arrest in connection with F.I.R. No.292 of 2023 registered with Vadgaon Nimbalkar Police Station, District Pune for offences punishable under sections 323, 324, 326, 504, 506 read with section 34 of the Indian Penal Code, 1860, the applicants are seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. According to prosecution, there is dispute owing to use of water and land between the first informant and his cousin Sopan and applicant No.2. On 17th June 2023 at about 17:00 hours, when the informant was in his gas godown, at that time, he heard noise

of quarrel behind the godown, and therefore, he went to see and found that verbal altercation was going on between the informant's cousin Sopan, Vidya, Janki and other side applicant Nos.1 and 2 and other accused namely Kiran and Rekha. It is further alleged that the informant reached there and then applicant No.2 was in verbal duel with Mohan and said that he will not leave him now and so he assaulted Vidya on her left hand and head by use of iron rod. It is further alleged that applicant No.1 and other accused namely Rekha then allegedly assaulted Janki and Vidya on their left hand by means of sickle and also beat with fists and kicks. It is alleged that the informant tried to intervene, but applicant No.2 assaulted him on his left hand by means of sickle and co-accused Kiran assaulted him with iron rod on his left wrist. It is further alleged that informant's cousin Sopan was assaulted by fists and kicks blows. When people gathered the applicants and co-accused fled from spot on two motorcycles. Accordingly, the report was registered.

3. The applicants, therefore, filed an application under section 438 of the Criminal Procedure Code, 1973, which came to be rejected by order dated 13th July 2023.

4. On perusal of the report and case papers, it appears that the dispute between the parties arose out of use of agricultural land. On perusal of the report, it appears that the applicants have caused simple injuries to the informant and witness. Grievous injury is attributed to Kiran Sorte. The antecedents alleged against the applicants are in relation to dispute arising out of agricultural land.

5. Considering the simple injuries allegedly caused by the applicants, the applicants have made out a case for relief under section 438 of the Criminal Procedure Code, 1973. Hence, following order:

- a) The applicants be released on bail in connection with F.I.R. No.292 of 2023 registered with Vadgaon Nimbalkar Police Station, District Pune for offences punishable under sections 323, 324, 326, 504, 506 read with section 34 of the Indian Penal Code, 1860, on furnishing PR Bond in the sum of Rs.25,000/- each, along with one or two sureties in the like amount;
- b) The applicants shall remain present before the investigating officer on 28th, 31st July 2023 and 1st August 2023 and, thereafter, as and when called by the investigating officer;
- c) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- d) The applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- e) The applicants shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

6. The anticipatory bail application stands disposed of in above terms.

(AMIT BORKAR, J.)