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

ANTICIPATORY BAIL APPLICATION NO. 2238 OF 2023

Deepak Vilas Powar and Ors. ... Applicants
V/s.
The State of Maharashtra ... Respondent

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Mr. Chetan Patil i/by Mr. Mandar G Bagkar, for the
Applicant.

Mr. Amit A Palakr, APP for the State-Respondent.

Mr. Narendra Patil, PSI, Kodoli police station, Kolhapur.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 11, 2023

PC.:

1. At the outset, learned Advocate for applicant Nos.1 and 3 on instructions seeks permission to withdraw the application.
2. The anticipatory bail application is dismissed as withdrawn as against applicant Nos.1 and 3.
3. In so far as rest of the applicants (i.e. applicant Nos.2 & 4 to 10) are concerned.
4. Apprehending arrest in connection with C.R.No.87 of 2023 registered with Kodoli police station, Kolhapur for offences punishable under Sections 326, 324, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, 1860 (for short 'IPC'), applicant Nos.2 &

4 to 10 are seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.').

5. According to prosecution, the applicants and complainant and their relatives are from one family and there was dispute in between them in regard to agricultural property. Some disputes regarding property are pending in between them. It is alleged that on 31 May 2023 at about 8 am in the morning the complainant and his family members were cultivating in the field bearing Survey No.80 of Danewadi Village. At that time they stated to the complainant that 'you have no right on this land and go away from the said land'. At that time applicants/accused Santosh Ganpati Powar and Sarvesh Khamkar had beaten complainant with wooden stick on his left hand. Applicant/accused Deepak, Dilip and Swapnil beaten with kicks to complainants uncle (Babu Powar) and all female applicants are abusing to complaints sister-in-law (Usha Powar) and all they were given threatening to complainant. In the assault the complainant and its relatives are injured. He admitted in CPR hospital for medical treatment. Therefore, the complainant filed complaint against the applicants/accused.

6. Applicants, therefore, filed application under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected by order dated 3 August 2023.

7. On perusal of the case diary and material on record, it appears that there are cross reports filed by both sides there appears to be civil dispute between the parties. The alleged incident occurred due to informant on their civil rights.

Considering role attributed to the applicants and consequent injuries, it appears that applicants have not caused grievous injuries to the informant. Therefore, applicants have made out case for grant relief under Section 438 of Cr.P.C. Hence, following order:

- a) In the event of arrest in connection with 87 of 2023 registered with Kodoli police station, Kolhapur for offences punishable under Sections 326, 324, 504, 506, 143, 147, 148, 149 of IPC, applicant Nos.2 & 4 to 10 be released on bail on furnishing PR. bond of Rs.15,000/- each, along with one or two sureties in the like amount.
- b) Applicants shall remain present before the concerned police station on 21st, 23rd and 25th August, 2023 between 11:00 am to 2:00 pm and thereafter, as and when called by the investigating officer.
- c) 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) 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) Applicants shall, at the time of execution of the bond, furnish their addresses and mobile numbers to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

8. The anticipatory bail application is disposed of in above terms. No costs.

(AMIT BORKAR, J.)