

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

ANTICIPATORY BAIL APPLICATION NO. 2555 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Date: 2023.09.14
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Sanjay @ Sandeep Samrao Mali and ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

Mr. Satyavrat Joshi, i/b Ashish Vernekar, for the Applicants.
Mr. R. M. Pethe, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 11th SEPTEMBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicants and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.161 of 2023, registered with Palus Police Station, Sangli, for the offences punishable under Sections 324, 327, 452, 143, 147, 149, 504 and 506 of Indian Penal Code, 1860 ("the Penal Code").
3. The applicants and co-accused allegedly formed an unlawful assembly and in prosecution of common object of the unlawful assembly committed house trespass and assaulted the first informant Maruti Jadhav and his son Sachin, wife Yashoda, Harshal Jadhav and the mother of his

daughter-in-law. The applicants also allegedly snatched away the gold ornaments which the first informant and the injured had on their person.

4. Mr. Joshi, the learned Counsel for the applicants, submitted that the applicants had also sustained injuries in the very same occurrence. A first information report was lodged by the applicant as well in respect of the very same occurrence, at CR No.162 of 2023 for the offences punishable under Sections 327, 452, 143, 147, 149, 504, 506 and 324 of the Penal Code. It was further submitted that there is discrepancy as regards the place of occurrence throwing a cloud of doubt over the offence punishable under Section 452 of the Penal Code. In any event, none of the injured had sustained any grievous injury and, thus, a *prima facie* case for the offence punishable under Section 326 of the Penal Code has not been made out.

5. Mr. Pethe, the learned APP, fairly submitted that all the injured have sustained simple injuries.

6. I have perused the injury certificates of Maruti, Harshal, Sachin and Yashodha Jadhav. It appears that each of the injured had sustained simple injuries.

7. From the perusal of the allegations in the first information report and copy of the FIR in CR No.162 of 2023, it becomes evident that in respect of the very same incident there are two versions. It seems to be a case of fight between two groups and it further appears that members of the each group have sustained injuries.

8. The applicants appear to have roots in society as they have a fixed place of abode. Possibility of fleeing away from justice seems to be remote. Therefore, I am inclined to allow the application.

9. Hence, the following order:

: O R D E R :

(i) In the event of arrest of the applicants in CR No.161 of 2023, registered with Palus Police Station, Sangli, the applicants be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount, each.

(ii) The applicants shall cooperate with the investigation and attend Palus Police Station,

Sangli on every alternate Sunday in between 10.00 am. to 1.00 pm. for a period of one month.

- (iii) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any person acquainted with the facts of the case.
- (iv) The applicants shall regularly attend the proceedings before the jurisdictional Court.
- (v) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]