

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3084 OF 2021

1. Dnyanoba L. Maske	
2. Govardhan D. Maske	
3. Kamal D. Maske	
4. Kaushalya R. Tekale	...Applicants
V/s.	
The State of Maharashtra	...Respondent.

Mr. V. H. Kyadal for the Applicants
Mrs. Veera Shinde, APP for the Respondent/State.
Mr. Prakash Pawar for the Intervenor.

CORAM : N.R. BORKAR, J.
DATE : 22.02.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 422 of 2021 registered at Dighi Police Station, Pimpri-Chinchwad for the offences punishable under Sections 307, 326, 325, 120-B, 143, 147, 148, 149 of the Indian Penal Code, Section 37(1)(a) read with 135 of the Maharashtra Police Act and Section 92 of the Rights of Persons with Disabilities Act.

3. I have heard the learned counsel for the applicant, the learned APP for the State and the learned counsel for the complainant/intervenor.

4. This Court on 23 December 2021 passed the following order.

“ Heard.

2 Applicant is the neighbour of informant. On 01/11/2021 at about 06-00 a.m. as the water in the house was over, the informant and his father-Adinath went to start the motor which was objected by accused Rushikesh Tekale and Govardhan Maske(applicant). The prosecution alleges that when the informant's mother intervened, she was also given a blow of brick on her head by accused Dnyanoba Maske (applicant) and Govardhan Maske (applicant). Even informant's grandfather was also beaten by Dnyanoba Maske (applicant), Kamal Maske (applicant) and Kaushlya Tekale (applicant) on his head by means of iron rod. The informant accordingly lodged the report.

3 I have gone through the medico-legal certificates pertaining to Ganpati Mhaske, Antibai Mhaske, Adminath Mhaske and Mangesh Mhaske. All the medico-legal certificates show CLW over high parietal region and forehead. Similarly, CLW over left forearm, right forearm and abrasion over left chest, on the persons of above-named injured were noted by the concerned Medical Officer. However, the nature of injuries is nowhere specified by the concerned Medical Officer.

4 In view of above, the applicants deserve to be given the ad-interim protection. Hence, the following order.

ORDER

(i) In the event of arrest of the applicant Nos.1. Dnyanoba Laxman Maske, 2. Govardhan Dnyanoba Maske, 3. Kamal Dnyanoba Maske and 4. Kaushalya Raosaheb Tekale in C.R.No. 422 of 2021 registered with Dighi Police Station, Pune, for the offences punishable under sections 307, 326, 325, 120(B), 143, 147, 148, 149 of Indian Penal Code and under Section 37(1)(a) r/w 135 of Maharashtra Police Act

and Section 92 of Rights of Persons with Disabilities Act, 2016, the applicants be enlarged on bail on their furnishing PB & SB in the sum of Rs.20,000/- each with one or two sureties.

(ii) The applicants shall not tamper with the prosecution evidence.

(iii) The applicants shall attend the concerned police station as and when called by the Investigating Officer.

(iv) Issue notice to the concerned police station, returnable on 27th January, 2022.

(v) This order shall remain in force till the next date”.

5. I have perused the FIR. There appears to be dispute between the parties on account of some immovable properties. *Prima facie*, the incident does not appear to be premeditated. There are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to allow the present application. The interim order dated 23 December 2021 is hereby confirmed.

6. The Application is disposed of.

[N.R.BORKAR, J.]