

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

ANTICIPATORY BAIL APPLICATION NO.913 OF 2024

Omkar Sampat Sangle	 Applicant
versus	
State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.920 OF 2024**

Madhukar AAnanda Gawade	 Applicant
versus	
State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.921 OF 2024**

Pankaj Dnyandeo Gawade	 Applicant
versus	
State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.931 OF 2024**

Balu @ Prathamesh Dnyandeo Gawade	 Applicant
versus	
State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.930 OF 2024**

Dnyandev Aananda Gawade	 Applicant
versus	
State of Maharashtra	 Respondent

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- Mr. Prashant Hagare, Advocate for Applicants in all ABAs.
- Mr. C. D. Mali, APP for the State/Respondent in ABA/913/24, ABA/920/24 & ABA/921/24.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.
- Mr. Rahul K. Dhaigude a/w Dipak Y. Jadhav, for Intervenor in ABA/913/24, ABA/920/24 & ABA/921/24.

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CORAM : SARANG V. KOTWAL, J.
DATE : 05th APRIL, 2024

P.C. :

1. All these applications are decided by this common order together because they arise of the same offence.
2. The Applicants are seeking anticipatory bail in connection with C.R.No.225/2024, dated 27/02/2024, registered with Phaltan Police Station, Satara, under sections 326, 324, 341, 141, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, under sections 4, 25 of the Arms Act and under section 37(1) of the Maharashtra Police Act. Section 307 of the IPC is subsequently added.
3. Heard Mr. Prashant Hagare, learned counsel for the Applicants, Mr. Rahul K. Dhaigude, learned counsel for the Intervenor and Mr. C. D. Mali and Ms. Pallavi N. Dabholkar, learned APPs for the State.
4. The FIR is lodged by one Vinod Sangle. He has stated that on 26/02/2024, there were wrestling matches at Rajuri. At

that time, there was some quarrel between the informant Vinod and one Tejraj Gawade, who was the son of the Applicant Madhukar Gawade. After the wrestling matches, the informant and his friend Vitthal Khurge returned by a vehicle. They stopped in front of Sawta Mali Hotel at around 07.15 p.m. When they were getting down, all the Applicants came there. They were carrying a gunny bag. They removed weapons from that gunny bag. The Applicant Dnyandev gave a blow with sword on the informant on his forehead. The Applicant Pankaj gave a blow of sword on the left side of the informant's head. The Applicant Madhukar Gawade gave a blow with sword on the informant's head from behind. The Applicant Prathamesh Gawade tried to give a blow on the informant's head. But the blow landed on the informant's right palm. The Applicant Omkar Sangle assaulted the informant on the left arm. The informant was seriously injured. The other persons intervened and took the informant to the hospital. On this basis, the FIR is lodged.

5. Learned counsel for the Applicants submitted that the Applicant Dnyandev has lodged his own FIR vide

C.R.No.233/2024 at the same police station on 29/02/2024, u/s 307, 326, 324, 147, 148, 149, 504, 506 of the IPC and u/s 37(1) of the Maharashtra Police Act. In that FIR, it is mentioned that the Applicant Dnyandev and the Applicant Pankaj were assaulted by the informant Vinod's group and had suffered grievous injuries. All the Applicants are implicated falsely. There is a CCTV footage capturing of the incident, in which only some of the accused are seen. It shows that there are exaggerations and the Applicants are unnecessarily named.

6. The learned APPs produced the investigation papers before me and strongly opposed these submissions. They submitted that life threatening injuries are caused to the informant Vinod. There are statements of eyewitnesses. The roles of each of the Applicants is clearly spelt out in the FIR, which was lodged immediately. The CCTV had only a limited vision, which was captured by the CCTV footage, but the incident was beyond that scope as well. Therefore, all the Applicants have taken part in the incident, although some of

them may not have been seen in the CCTV footage. In any case, at least three Applicants are clearly seen assaulting the injured.

7. Learned counsel for the Intervenor supported the submissions of the learned APP. Learned APPs also produced the medical certificates of the accused Pankaj and Dnyandev.

8. I have considered these submissions. The Applicant Pankaj had suffered one abrasion on right hand index finger. It was described as a simple injury. The Applicant Dnyandev had suffered two contusions. Out of them, one was on the ring finger causing fracture. Those injuries are described as grievous injuries. But as it can be seen, they are not on the vital parts. As against that, the first informant had suffered many grievous life threatening injuries as follows:

- (1) Left distal 1/3 ulna fracture.
- (2) CLW over right hypothenus about 4 cm length x 1 cm depth.
- (3) CLW over forehead about 6 cm length x 1 cm depth.

- (4) CLW over left side of forehead about 5 cm length x 1 cm depth.
- (5) CLW over left side of occipital region of about 2 cm length x 1 cm depth.
- (6) Undisplaced fracture of frontal bone.
- (7) Scalp injury in bilateral frontal region.

9. All these injuries are quite serious. Section 307 of IPC is rightly applied. There are statements of eyewitnesses supporting the informant's case. The informant himself, who is the injured, has described the role played by each of the Applicants. Their roles and weapons used by them, are clearly mentioned.

10. In this view of the matter, considering the seriousness of the incident and the specific role attributed to the present Applicants, no relief can be granted to the Applicants u/s 438 of Cr.PC. The applications are dismissed.

(SARANG V. KOTWAL, J.)