

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

ANTICIPATORY BAIL APPLICATION NO.111 OF 2024

Vijay @ Viju s/o. Namdeo Pingale & Ors. Applicants

versus

State of Maharashtra Respondent

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- Mr. Nitin Gaware Patil, Advocate for Applicant.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 16th JANUARY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.771/2023, dated 15/12/2023, registered with Loni Kalbhor Police Station, Pune City, under sections 326, 324, 323, 504, 141, 143, 147, 149 of the Indian Penal Code.

2. Heard Mr. Nitin Gaware Patil, learned counsel for the Applicant and Ms. Pallavi N. Dabholkar, learned APP for the State.

3. The FIR is lodged by Balasaheb Virkar. He has stated that he had purchased a land from one Ramdas Lakade. On 13/12/2023 at about 08.00 a.m. the informant had gone to his agricultural land to oversee the work of pipeline. There were workers present in the field. The Applicant No.1 Vijay Pingale came there. He picked up quarrel with the informant. He picked up a spade brought by the workers and gave a blow with it on the informant's left leg. He was joined by the other accused/Applicants herein. They assaulted the first informant with spades. The informant was taken to hospital by his son. While taking treatment he lodged this FIR.
4. Learned counsel for the Applicants submitted that looking at the nature of the allegations he is not pressing the application for the Applicant No.1 Vijay Pingale.
5. Considering these submissions, the application on behalf of the Applicant No.1 is dismissed as not pressed.

6. Learned counsel for the Applicants restricted his arguments in support of the application for the other Applicants i.e. Applicant Nos.2 to 7. He submitted that the FIR itself mentions that they have hardly played any role in the incident. Their role started after Vijay Pingale had already given the blow, which resulted in the fracture of the informant's leg. The role attributed to the other Applicants is not serious. He submitted that the Applicant No.2 Somnath Pingale has lodged his own FIR about the same incident vide C.R.No.763/2023 at Loni Kalbhor police station u/s 323, 324, 504, 506 r/w 34 of the IPC. In that FIR, he has mentioned that Balasaheb and his group had assaulted their group causing assault on the Applicant No.2 Somnath. He submitted that there is a cross FIR. It was a free fight and therefore these Applicants' custodial interrogation is not necessary. They had not shared common object with Vijay.

7. Learned APP produced the investigation papers before me and in particular she produced the injury certificate of the informant Balasaheb and also the injury certificate of the

Applicant No.2 Somnath. The first informant Balasaheb has suffered two linear slanting abrasions and fracture of right leg. Somnath suffered blunt trauma on the face. He has suffered simple injuries.

8. I have considered these submissions. As far as the injury in the nature of fracture of the leg is concerned, it is attributed specifically to the act committed by the Applicant No.1 Vijay. He had given a blow with spade on the informant Balasaheb's leg causing fracture. The role of the other accused started after that. The main accused Vijay had picked up a spade lying on the spot itself, which shows that it was not carried by Vijay, when he had gone to the spot. Therefore, the other accused could not have had knowledge about the Applicant No.1's intention. To that extent some benefit can be given to the other accused. The role attributed to those accused is quite minor and they have not caused any serious injury to the informant. In this view of the matter, their custodial interrogation is not necessary.

9. Hence, the following order :

ORDER

- (i) The application on behalf of the Applicant No.1 Vijay @ Viju Namdeo Pingale is dismissed as not pressed.
- (ii) As far as Applicant Nos.2 to 7 are concerned, in the event of their arrest in connection with C.R.No.771/2023, dated 15/12/2023, registered with Loni Kalbhor Police Station, Pune City, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)