

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

ANTICIPATORY BAIL APPLICATION NO. 182 OF 2024

Sumit Pandurang Sakhare & Ors. ..Applicants
Versus
The State of Maharashtra ..Respondent

**WITH
INTERIM APPLICATION NO. 1840 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 182 OF 2024**

Vishal Laxman Sakhare ..Applicant

In the matter between

Sumit Pandurang Sakhare & Ors. ..Applicants
Versus
The State of Maharashtra ..Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 186 OF 2024**

Suraj Shivaji Sakhare & Ors. ..Applicants
Versus
The State of Maharashtra ..Respondent

**WITH
INTERIM APPLICATION NO. 1843 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 186 OF 2024**

Vishal Laxman Sakhare ..Applicant

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In the matter between

Suraj Shivaji Sakhare & Ors.

..Applicants

Versus

The State of Maharashtra

..Respondent

Mr. Aniket Nikam for Applicants in both ABAs.

Ms. Pallavi N. Dabholkar, learned APP for State/Respondent in ABA/182/2024.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent in ABA/186/2024.

Mr. Anant V. Sakunde, for Intervenor in both ABAs.

CORAM : SARANG V. KOTWAL, J.

DATE : 22 JANUARY 2024

P.C. :

1. Both these applications are decided by this common order because they arise out of the same registered offence.

2. The Applicants are seeking anticipatory bail in connection with C.R.No.1455 of 2023, registered at Hinjwadi Police Station, Pimpri-Chinchwad, on 28.12.2023, under sections 324, 323, 504, 506, 143 and 149 of the Indian Penal Code and U/s.7 of the Criminal Law Amendment Act, 1932. Subsequently, Section 308 of the I.P.C. is added.

3. Heard Mr. Aniket Nikam, learned counsel for the applicant, Ms. Mahalakshmi Ganapathy, learned APP for the State and

4. The F.I.R. is lodged by one Vishal Sakhare. The F.I.R. mentions that, there was a monthly meeting of Hinjwadi Gram Panchayat on 28.12.2023. During the meeting there was some quarrel between the accused Mayur and the informant. Mayur abused him. He left the meeting. After the meeting was over, the informant was sitting in the Gram Panchayat office with the other members. At that time, all the applicants came there and started assaulting the informant with kicks and fist blows. Mayur held the informant by the collar of his neck and tore his shirt. The applicant Omkar Memane gave a blow with metal ring on his forearm, on the informant's head. However, the members in the Gram Panchayat office intervened and saved the informant. On this basis the F.I.R. was lodged.

5. Learned counsel for the applicants submitted that, all the offences were bailable. The investigating agency has wrongly

invoked Section 308 of the I.P.C. The incident was a petty incident and the applicants' custodial interrogation is not necessary. None of the applicants had used any weapon. The allegations against Omkar are also vague.

6. Learned counsel for the intervenor-first informant opposed these submissions. According to him, the incident was a culmination of previous enmity and the informant was targeted. He was saved only because of the intervention of others.

7. Learned APP produced the injury certificate of the informant and the supplementary statement given by the informant on 29.12.2023. According to the supplementary statement, since the applicant Omkar had pulled his shirt, his throat was pressed and he was suffocated.

8. I have considered these submissions and I have perused the injury certificate. The informant had suffered four abrasions. They are absolutely minor in nature. The first abrasion was on the right upper arm of the size 3cm x 0.2cm. The second abrasion was on the left side of neck of 0.3cm x 0.1cm. The third

abrasion was on the back of 3cm x 2cm and the forth abrasion was on the left forearm of the size 1cm. x 0.5cm. All these injuries are quite simple. Therefore, though, the incident has taken place, the injuries are neither grievous nor serious. Therefore, custodial interrogation of the applicants will not serve any purpose. However, to maintain the peace in the Gram Panchayat office, some conditions will have to be imposed on the applicants.

9. Hence, the following order :

ORDER

- i) In the event of their arrest in connection with C.R.No.1455 of 2023, registered at Hinjwadi Police Station, Pimpri-Chinchwad, the applicants are directed to be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- ii) The Applicants shall attend the concerned Police Station once in a week till filing of the charge-sheet.
- iii) Both the Applications are disposed of.

- iv) With disposal of the main applications, both the interim applications are also disposed of.

(SARANG V. KOTWAL, J.)