

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

**ANTICIPATORY BAIL APPLICATION NO.828 OF 2024**

1.Avinash Bapusaheb Satav,  
2. Tushar Rajaram Mhaske,  
3. Navnath Tukaram Ghule, &  
4. Eknath Piraji Undre .... Applicants  
Versus  
The State of Maharashtra .... Respondent

Mr. Kalpesh U. Patil, Advocate for the Applicants.  
Ms. Mahalakshmi Ganapathy, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 27<sup>th</sup> MARCH, 2024**

**P.C. :**

1. The Applicants are seeking anticipatory bail in connection with C.R.No.99/2024 registered at Lonikand Police Station, Pune on 4.2.2024 under sections 447, 141, 143, 147, 148, 149, 352, 504, 506 of IPC and under Sections 3 & 25 of the Arms Act.

2. Heard Mr. Kalpesh Patil, learned counsel for the Applicants and Ms. Mahalakshmi Ganapathy, learned APP for the Respondent-State.

3. The FIR is lodged by one Chandrakant Kunjir. He has stated that he has a land admeasuring 1 H 40 R at village Kolwadi, Pune having Gat No.1155. The subject matter of the FIR is the incident dated 1.2.2024. At about 8.00 p.m. he along with family and friends were sitting in his land having hoorda party. At that time, all of these Applicants and three more accused came there. They started abusing the first informant and his family. One Yogesh removed a gun and pointed it towards the informant and threatened him. The others pushed the informant. The informant and his family and friends went away from the spot. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicants submitted that the informant is the nephew of the Applicant No.4. There are disputes between them regarding the same land. The Applicant No.4 has filed a Civil Suit bearing Regular Civil Suit No.990/2022 in the Court of C.J.S.D., Pune against the first informant and others for declaration that the sale deed dated 20.3.1992 in respect of the same land be declared as null and

void. He, therefore, submitted that in this backdrop, a false FIR is lodged against the Applicants.

5. Learned counsel for the Applicants submitted that the alleged incident is dated 1.2.2024 and the FIR is lodged on 4.2.2024. No explanation is offered for delay in lodging the FIR. He submitted that on the other hand one of the co-accused Yogesh has lodged his own FIR at the same Lonikand police station vide C.R. No.97/2024 on 3.2.2024 under Sections 447, 141, 147, 148, 149, 504, 506, 143 of IPC and under Sections 3 & 25 of the Arms Act. The allegations in that FIR are almost the same.

6. Learned APP accepted that there is a counter FIR with almost similar allegations. She produced the investigation papers before the Court which include the statement of one Jaysing Undre, Swapnil Undre and Rakesh Tandale. There are allegations and counter allegations, which is evident from the fact that there are complaints of both the parties on almost similar allegations. The statements of aforementioned witnesses show that there was quarrel going

on between the two groups and both the parties were threatening to lodge complaints against each other. Thus from the statements of these independent witnesses, it is clear that it was a simple case of quarrel between the two groups. In fact all these three eye witnesses have stated that neither of the parties had shown any firearm to the other party.

7. Considering this situation, the Applicants can be protected under Section 438 of Cr.P.C. Hence, the following order :

### **ORDER**

- (i) In the event of their arrest in connection with C.R.No.99/2024 registered at Lonikand Police Station, Pune, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**

Deshmane (PS)

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PRADIPKUMAR  
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