

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 837 OF 2024

YUGANDHARA
SHARAD
PATIL

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1. Atharva Sanjay Bhujbal
2. Manya @ Aditya Vikas Bhujbal Applicants

Versus
The State of Maharashtra Respondent

Mr. Nitin Gaware Patil, for the applicants.
Mr. Nitin B. Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 1st APRIL, 2024

PC. :

1. The Applicants are seeking anticipatory bail in connection with C.R. No. 746 of 2023, registered at Alephata Police Station, District Pune, on 01/12/2023, under sections 307, 324, 143, 144, 147, 148, 149, 336, 504 and 506 of the Indian Penal Code.

2. Heard Mr. Nitin Gaware Patil, learned counsel for the Applicants and Mr. Nitin B. Patil, learned APP for the Respondent-

State.

3. The FIR is lodged by one Husain Bepari. He has stated that on 30/11/2023 at about 9.00 p.m., when he was going to his uncle's house on his two wheeler, he had some quarrel with one Riyan and one Anuj. Riyan called Prashant Dhanvate who came to the spot. The Applicant no. 1 Atharva was with him. At that time, all of them abused and beat him. The informant went to his uncle's house and told his family members about the incident. His uncle and brother went to have a word with Riyan and his friends. They came back after some time. About 16 named accused and 10 to 15 others, came towards the informant's uncle's house. It is alleged that both the Applicants were amongst them. They were having sticks and stones. The accused started pelting stones towards the informant when the informant was running towards his house. Some stones hit him. There are allegations that the mob entered the house of the informant and assaulted the informant's family members. There are specific allegations that the accused Sagar assaulted Anasali with stone on his head. The other people from the locality gathered there and separated the two

groups. On this basis, the FIR is lodged.

4. Learned counsel for the Applicants submitted that one Anket Shirtar who had suffered serious injuries had lodged his own FIR vide C.R. No. 745 of 2023 under Section 307 and other sections of the Indian Penal Code at the same Police station against the informant's group in this case. He submitted that thus there is a case and a cross case. The narration in the FIR against the Applicants is not correct. In any case, no specific role is attributed to the Applicants. There is nothing to show that anybody has suffered grievous injuries in respect of the FIR lodged against the present Applicants.

5. Learned APP produced investigation papers before me. He opposed these submissions. Learned APP submitted that the narration shows that the Applicant No. 1 was present there since the beginning of the incident and even the Applicant No. 2 was present there.

6. I have considered these submissions. In the cross case lodged by Anket against the informant's group, the investigating agency has collected the injury certificate which shows that Anket had suffered injuries on his head. As against that in the present case against the applicants there are 6 injured namely Anasali, Husain Nazir, Shaikir Bashir, Sameer Kadar, Niraj, Shakina Bepari. The injury certificate mentions that they have suffered injuries in the nature of abrasions and contusions. All the injuries are described as simple injuries. Anasali's injury on his head was of the size 3cm x 1 cm. Thus, there is a case and a cross case. As far as, the FIR against the Applicants is concerned, there are vague and general allegations. There is force in the submissions of learned counsel for the Applicants that the Applicants did not share any common object of causing any grievous injury. In this view of the matter, the Applicants' custodial interrogation is not necessary. They can be protected under section 438 of Cr.P.C.

7. Hence the following order.

ORDER

- (i) In the event of their arrest in connection with C.R. No. 746 of 2023, registered at Alephata Police Station, District Pune, 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 Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)