

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

ANTICIPATORY BAIL APPLICATION NO. 852 OF 2024

(1) Vinod Kisan Sangale,
(2) Darshan Balaso Sangale,
(3) Rohan @ Pinu Ankush Sangale,
(4) Dhiraj Sharad Sangale,
(5) Yashraj Vinod Sangale,
(6) Balaso Yanku Shendage,
(7) Sonaba Yanku Shendage. ..Applicants

Versus

The State of Maharashtra ..Respondent

Mr. Rahul Dhaigude a/w. Dipak Y. Jadhav for Applicants.
Ms. Poonam P. Bhosale, APP for State/Respondent.

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

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.233 of 2024 registered at Phaltan Rural Police Station, Satara, on 29.02.2024, under sections 307, 326, 324, 147, 148, 149, 504 and 506 of the Indian Penal Code and under section 37 of the Maharashtra Police Act.

2. Heard Mr. Rahul Dhaigude, learned counsel for the

applicants and Ms. Poonam Bhosale, learned APP for the State.

3. The F.I.R. is lodged by one Dyandeo Gavade. He has stated that on 26.02.2024, at 7.30p.m., he and his son Pankaj were returning home. They had stopped in front of Savtamali hotel. At that time, all the applicants came there in two four wheelers. They were carrying iron rods and sticks. They straightaway started assaulting the informant and his son. The informant's other son Prathmesh came there. He was also assaulted. In the assault, the informant and his son Pankaj suffered injuries on their hands. They somehow rescued themselves and went to Gavade hospital. After that, this F.I.R. was lodged.

4. Learned counsel for the applicants submitted that the story in the F.I.R. is completely false. The applicant No.1 Vinod himself had lodged his own F.I.R. about the same incident at the same police station vide the C.R.No.225 of 2024 under the various sections of the I.P.C. including Sections 326 and 324 of the I.P.C. Subsequently, Section 307 of the I.P.C. is also invoked. He relied on the medical certificate of the applicant No.1 Vinod and also on the

photographs. Vinod had suffered serious injuries on the head requiring 35 stitches and yet the police are taking efforts to arrest the applicants.

5. Learned APP produced the investigation papers before me. She submitted that, there is CCTV footage and there is description of the CCTV footage. There are eye witnesses to the incident. She submitted that the informant and his son have suffered fractures.

6. I have considered these submissions. The informant Dnyandeo had suffered two injuries which are described as grievous injuries. The first injury was contusion on the hand of size 5cm x 4cm. The second injury is also a contusion on the left ring finger of the size 2cm x 1.5cm. There are fractures of two fingers and, therefore, these injuries are described as grievous injuries. The informant's son Pankaj had suffered one simple abrasion on his right index finger.

As against that, the applicant No.1 Vinod had suffered 7 injuries. The first injury was fracture of his hand. There are five

injuries on his head. There was undisplaced fracture of the frontal bone. All these injuries were incised and serious injuries. There was one serious incised injury on the right hand. All the photographs attached to this application show how serious those injuries were.

7. All these facts are not mentioned in the F.I.R. lodged against the present applicant. These important facts are suppressed by the informant in this case. The description of the CCTV footage, in fact, shows that the informant and his son Pankaj had assaulted the applicant No.1 Vinod mercilessly with swords. The CCTV footage, in fact, supports the applicants' case. The statements of the eye witnesses Khurange and Sachin Chavan also support the description in the CCTV footage. All this shows that the informant Dnyandeo and his son were the aggressors who had mounted dangerous assault with sword on the applicant. The description in their own F.I.R. is clearly false. In this view of the matter, the applicants deserve protection U/s.438 of the Cr.p.c.

8. Hence, the following order :

ORDER

- i) In the event of their arrest in connection with C.R.No.233 of 2024 registered at Phaltan Rural Police Station, Satara, 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 Application is disposed of.

(SARANG V. KOTWAL, J.)