

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

ANTICIPATORY BAIL APPLICATION NO.881 OF 2024

Anket Dnyaneshwar Shirtar & Ors. Applicants

versus

State of Maharashtra Respondent

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- Mr. Smith Shinde, Advocate for Applicant.
- Mr. Nitin B. Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 03rd APRIL, 2024

P.C. :

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

2. Heard Mr. Smith Shinde, learned counsel for the Applicants and Mr. Nitin B. Patil, learned APP for the State.

3. The FIR is lodged by one Husein Bepari. He has stated that on 30/11/2023 at about 09.00 p.m., when he was going to his uncle's house, on his two wheeler, he had some quarrel with Riyan Inamdar and Anuj Davkhar. Riyan called one Prashant Dhanwate. One Atharva Bhujbal was with him. At that time, both abused and beat the informant. He went to his uncle's house and told his family members about the incident. They went to have a word with Riyan and his friends. They came back after some time. Thereafter, about 16 named accused and 10 to 15 others came towards the informant's uncle's house. It is alleged that the Applicants were amongst them. They were having sticks and stones. The accused started pelting stones towards the informant. He started running towards his house. Some stones hit him. There are allegations that the mob entered his house and assaulted his 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 the Applicant No.1 had suffered serious injuries in that incident and

he had lodged his own FIR, vide C.R.No.745/2023 u/s 307 and other sections of IPC, 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 narrations in the FIR against the Applicants is not correct. In any case, no specific role is attributed to any of the Applicants. There is nothing to show that anybody had suffered grievous injuries, in respect of the FIR lodged against the present Applicants.

5. Learned APP produced the investigation papers before me. He opposed these submissions. He submitted that there are six injured from the informant's group.

6. I have considered these submissions. In the cross case lodged by the Applicant No.1 against the informant's group, the investigating agency has collected the injury certificate, which shows that the Applicant No.1 Anket has suffered injuries on his head. The medical papers annexed to this application shows that the Applicant No.1 Anket had suffered depressed fracture of the right parietal bone. There was extra-axial haematoma in the

right fronto-parietal region. There was mild cerebral oedema. Thus, it can be seen that the Applicant No.1 has suffered grievous and serious injuries on his head. As against that, in the present case against the Applicants, there are six injured persons named Anasali, Husein, Shakir, Samir, Miraaj and Shakina. There are injury certificates showing that they have suffered abrasions and contusions. All the injuries are described as simple injuries. Anasali's injury on the head was of the size 3 cm x 1 cm and it is specifically attributed to the accused Sagar. Hence the FIR against the present Applicants does not narrate the incident in a truthful way. There is material suppression. In any case, the Applicants have not caused any grievous injury to any of the injured from the informant's group. There is nothing to show that the present Applicants have shared any common intention or common object with Sagar, who had assaulted Anasali with stone. There is a reference that the Applicant No.1 Anket had pelted stones, which had hit the informant on his right hand. But the injury is described as a simple abrasion. In this view of the matter, the Applicants' custodial interrogation is not necessary. They can be protected u/s 438 of Cr.PC.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.746/2023, dated 01/12/2023, registered with Alephata Police Station, Pune Rural, 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.
- (ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)