

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

**CRIMINAL BAIL APPLICATION NO. 3983 OF 2024
WITH
INTERIM APPLICATION NO. 4341 OF 2024**

Naresh Ananta Kedari

Suresh Ananta Kedar

Akshay Dattatraya Kedari

Vilas Baban Gaykhe

Suresh Dhondur Kedari

Nitin Govind Kedari

...Applicants

Vs.

The State of Maharashtra

...Respondent

Mr. Ashok M. Mundargi, Senior Advocate i/b Mr. Jayant Bardeskar,
Advocate for Applicant.

Mr. S. S. Chaudhari, APP for State-Respondent.

Mr. Vikrant Anil Khare with Mr. M. Mishra, Advocate for
Intervener/Org. Complainant.

Ms. Vijaya Mhatrey, API, Lonavala Gramin Police Station, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 11th NOVEMBER, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicants are seeking bail in Crime No.186 of 2024, registered with Lonavala Rural Police Station, Pune for the offences punishable under Sections 307, 326, 354, 323, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code, 1860.
- 3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that there is sufficient material to show that there was an unlawful assembly with common intention and the applicants were part of it.
- 4) It is argued that Section 149 of the IPC will not apply to this case as there was no common intention for the reason that the incident took place at the spur of moment.
- 5) This argument cannot be accepted for the reason that the alleged incident took place in two parts. In the first part, the informant requested the accused persons to low down the voice of the D.J. which the accused persons refused and there was exchange of hot words taken place between them. Thereafter the informant went back to his home where all the accused persons went with weapons namely sickle, steel rods and sticks. The earlier incident was taken place during the marriage procession and the second incident of actual assault had taken place in front of the house of the informant.
- 6) Thus, it is evident that all the accused went with the weapons at the spot of the incident with common intention and therefore since there is sufficient evidence to show that there was unlawful assembly with common intention, even if the argument of the learned Senior Counsel

for the applicants is considered and accepted that the grievous injuries caused to the victim namely Amol and Kiran were not because of the applicants, it will not help the applicants while seeking bail in such serious matters.

7) There are eye-witnesses to the incidents who have named the applicants and also attributed the the role. From the statement of witnesses, it is evident that there was common intention of all the accused persons and thus considering the evidence available on record, prima facie the complicity of the applicants in the alleged offence is clear. As far as the cross complaint is concerned, it was recorded after about 14 hours. In the circumstances, as there is sufficient prima facie material to show the involvement of the applicants, I am not inclined to grant bail. Accordingly, the application is rejected and disposed of.

8) At this stage, liberty sought to apply afresh, if there is no progress in trial in near future.

9) Considering the request, liberty is granted to the applicants to apply afresh after nine months, if there is no progress in trial.

10) In view of the disposal of Bail Application, the Interim Application also stands disposed of.

[ANIL S. KILOR, J.]