

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

Anticipatory Bail Application No.1943 of 2024

1. Jagannath Hari Patole
Age-45 years, Occ.-Farmer,
R/at-Village Gunde, Tal- Shahapur,
District Thane.

2. Madan Govind Chaudhari
Age- 42 years, Occ.-Farmer,
R/at-Village Gunde, Tal-Shahapur,
District-Thane.

... Applicants

Versus

State of Maharashtra
(Through Kinhavali Police
Station, Tal-Shahapur, Dist.-Thane

... Respondent

Mr Vishal Patil, for the Applicants.
Mr Yogesh Y Dabake, APP, for Respondent/ State.
PSI LJ Varkute, Kinavali Police Station, is present.

**Coram: R.N. Laddha, J.
Date: 15 July 2024**

P.C.:

By the present application, the applicants seek pre-arrest bail in connection with CR No.125 of 2024, registered at Kinhavali Police Station, Thane, for the offences punishable under Sections 326, 341, 143, 144, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code.

2. The prosecution alleges that on 13 June 2024, the co-accused, Mohan Vekhande, along with others, unlawfully

assembled and obstructed the informant and his uncle while they were travelling to Dehene on a motorcycle. The co-accused assaulted them by using an iron rod and wooden stick. Subsequently, the applicants arrived at the scene, verbally abused the informant, and beat both him and his uncle with kicks and fist blows. The motive behind the attack was enmity between the informant and the co-accused, Mohan, stemming from land disputes.

3. Mr Vishal Patil, the learned Counsel appearing on behalf of the applicants, contends that the applicants have been falsely implicated in the present crime owing to a dispute with Rafiq Shaikh, a friend of the informant. The alleged incident occurred on 13 June 2024, and the FIR was filed two days later, on 15 June 2024. However, the reason for the two-day delay in filing the FIR remains unexplained. The learned Counsel further contends that the informant's alleged injuries were caused by the co-accused, Mohan. Additionally, there is nothing to be recovered from the applicants, and they are willing to abide by the conditions set by the Court.

4. Mr Yogesh Dabake, the learned Additional Public Prosecutor representing the respondent/ State, submits that the applicants, along with co-accused, assembled unlawful to assault the informant and his uncle. The weapons used in the attack, an iron

rod and wooden stick, have not yet been recovered. The offence is serious, and the investigation is in progress, granting bail to the applicants could potentially lead to evidence tampering or witness influence.

5. After reviewing the record, it appears that the primary allegations of assault are directed at the co-accused, Mohan. Mohan allegedly assaulted the informant and his uncle using an iron rod and a wooden stick. Subsequently, the applicants arrived at the scene, and allegedly verbally abused and beat the informant and his uncle with kicks and fist blows. There appears to be a dispute between the informant and co-accused Mohan. The weapons sought for recovery were allegedly used by Mohan, not the applicants. The incident in question occurred on 13 June 2024, and the FIR was registered on 15 June 2024. These circumstances suggest that the applicants' arrest in connection with the present crime is not necessary. The prosecution's apprehension about tampering with the evidence and influencing witnesses can be addressed by imposing appropriate conditions. In light of the above, this Court is inclined to allow the present application. Hence, the following order:

ORDER

- (i) In the event of arrest, the applicants shall be released on bail in CR No.125 of 2024, registered at Kinhavali Police Station, Thane, on

executing a PR Bond of Rs.25,000/- each and furnish one or more sureties in the like amount.

(ii) The applicants shall cooperate with the investigation and report to the concerned police station, as and when directed.

(iii) The applicants, themselves or through any other person, shall not tamper with the evidence or influence any witnesses.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)