

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2019 OF 2024

1. Sopan Devram Rawade
 2. Gokul Dhondiba Rawade
 3. Pritam Kisan Rawade
 4. Vaibhav Gajanan Rawade
 5. Vijay Baban Rawade
 6. Sandip Shrirang Rawade
 7. Yash Rajendra Rawade
 8. Akshay Rambhau Rawade
 9. Navnath Vinayak Rawade
 10. Omkar Mhasku Rawade
 11. Sameer Ramdas Rawade
 12. Dattatray Vitthal Rawade
 13. Pramod Khandu Rawade
 14. Vivek Rajendra Rawade
 15. Omkar Shantaram Rawade
 16. Rajendra Bhairu Rawade
 17. Rahul Dada Rawade
 18. Pravin Chandrakant Rawade
 19. Shubham Maruti Rawade
 20. Aditya Balu Rawade
- ... Applicants
- Vs.**
- ... Respondent
- State of Maharashtra

Mr. Sandeep Parikh a/w. Mr. Prabhakar M. Jadhav for Applicants.
Mr. Balraj B. Kulkarni for Respondent-State.
Mr. Ateet Shirodkar a/w. Ms. Kunjan Makwana for Intervenor.

CORAM : MANISH PITALE, J.
DATE : JULY 31, 2024

P.C. :

. Heard Mr. Parikh, learned counsel for the applicants and
Mr. Kulkarni, learned APP for the respondent-State.

2. The applicants are apprehending arrest in connection with FIR No.0029 of 2024 dated 30.01.2024 registered with Saswad Police Station, District - Pune Rural, for offences under Sections 120-B, 142, 147, 148, 149, 307, 323, 324, 326, 354, 504, 506 read with Section 34 of the Indian Penal Code, 1860; under Sections 4 and 25 of the Arms Act, 1959; as also under Section 135 of the Maharashtra Police Act, 1951.

3. There are 20 applicants before this Court, out of the total 27 accused persons concerned with the present FIR.

4. At the outset, it is brought to the notice of this Court that application of five accused persons, who are ladies, was disposed of as not pressed before this Court on 30.04.2024, since the learned APP appearing in the said application i.e. Anticipatory Bail Application No.1132 of 2024 made a statement that the investigating agency did not want to arrest the said applicants.

5. The FIR was registered on the statement of the informant that the accused persons gathered and assaulted the husband and other relatives of the informant, resulting in serious injuries to some of the victims. The informant stated that weapons like swords, rods and wooden sticks were used by the accused persons.

6. The learned counsel for the applicants submits that even if the statement of the informant is to be taken into consideration, at the most, specific overt acts by use of weapons can be attributed only to accused Vishal Gokul Rawade and Tanaji Nivrutti Rawade. It is alleged that they used swords to assault the husband of the informant and other persons. It is submitted that insofar as the other accused persons are concerned, including the applicants, general and omnibus statement was made that they were present and had assaulted the victims.

7. It is further brought to the notice of this Court that there is a

background to the registration of the subject FIR. It is submitted that on 29.09.2023, an incident took place due to which FIR No.0674 of 2023 dated 30.09.2023 was registered with the very same police station, wherein the informant was Vishal Gokul Rawade. The FIR was registered for various offences, including offences under Sections 302 and 307 of the IPC, wherein the husband of the informant in the present FIR is one of the prime accused persons. It is submitted that the husband of the informant is still behind bars in the context of the said FIR and therefore, it can be said that the present FIR is nothing but a counterblast and an afterthought. It is submitted that therefore, this Court may favourably consider the present application.

8. The learned APP, on the other hand, submits that the investigating officer is not present today and that the investigation papers can be produced before this Court. It is submitted that serious injuries are suffered by the victims and the names of the applicants are specifically taken by the informant in her statement, which led to registration of the FIR. It is submitted that although the incident is of 29.09.2023, the FIR came to be registered on 30.01.2024 as the informant had to approach the Judicial Magistrate under Section 23 of the Code of Criminal Procedure, 1973 (Cr.P.C.).

9. Having considered the material on record and upon hearing the rival submissions, this Court is of the opinion that while opportunity can be granted to the learned APP to produce the relevant papers, the applicants have made out a case for granting interim relief, for the following reasons:

- a. Incident is said to have taken place on 29.09.2023 at about 2:00 p.m. and the first occasion on which the informant approached the police was 04.10.2023. This is clear from the statement of the informant itself, thereby showing that the

police was approached five days after the incident;

- b. There is *prima facie* substance in the contention raised on behalf of the applicants that the present FIR appears to be a counterblast in connection with earlier FIR dated 30.09.2023 registered at the very same police station, wherein the husband of the informant in the present FIR is a prime accused person;
- c. While specific allegations have been made against two accused persons along with the use of weapons on their part for inflicting injuries on the victims, as against the applicants, general and omnibus statements have been made without attributing any specific role or overt act on the part of the applicants.

10. For the aforesaid reasons, the following interim order is passed:-

- A. Till the next date, in the event the applicants are arrested in connection with FIR No.0029 of 2024 dated 30.01.2024 registered with Saswad Police Station, District - Pune Rural, they shall be released on bail on furnishing PR Bond of Rs.15,000/- [Rupees Fifteen Thousand only] each with one or two sureties in the like amount;
- B. The applicants shall remain present before the investigating officer on 01.08.2024 between 10:00 a.m. and 12 noon and thereafter as and when required by the investigating officer;
- C. The applicants shall co-operate with the investigation;
- D. The applicants shall not influence the informant, witness or any person concerned with the case and they shall not tamper with the evidence.

11. Needless to say, violation of any of the aforesaid conditions may result in this order being recalled.
12. List for further consideration on 27.08.2024, H.O.B.

(MANISH PITALE, J.)

Minal Parab