

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

Anticipatory Bail Application No.2438 of 2024

1. Mohan Manohar Vekhande

Age-29 years Occ: Farmer

R/o: Village Gunde, Tal. Shahapur,

District- Thane

2. Mahesh Sadashiv Raut

Age-29 years, Occ. - Farmer,

R/at- Village Gunde, Tal. Shahapur,

District - Thane

...Applicants (Org.
Accused Nos. 1 to 2
respectively)

v/s

The State of Maharashtra

(Through Kinhavali Police Station,

Tal-Shahapur, Dist.-Thane)

... Respondent

....

Mr Vishal Patil, for the Applicants.

Mr Yogesh Y Dabke, APP, for Respondent State.

PSI LJ Varkute, Kinhavali Police Station, is present.

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Coram : R.N. Laddha, J.

Date : 2 September 2024

P.C. :

Heard Mr Vishal Patil, the learned Counsel appearing on behalf of the applicants and Mr Yogesh Dabke, the learned Additional Public Prosecutor, representing the respondent/State.

2. By this 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.

3. The prosecution alleges that on 13 June, 2024, the applicants, along with others, engaged in an unlawful assembly and obstructed the path of the informant and his uncle as they were travelling to Dehene on a motorcycle. The applicants then attacked the informant and his uncle using an iron rod and a wooden stick. The assault was reportedly motivated by a long standing feud between the informant and the applicants, rooted in a dispute over land ownership.

4. Mr Vishal Patil, the learned Counsel appearing on behalf of the applicants, submit that the applicants have been falsely implicated in the present crime. He points out that there was a two-day gap between the alleged incident occurred on 13 June 2024, and the filing of the FIR on 15 June 2024, which has not been adequately explained. The applicants are ready and willing to cooperate with the investigation and abide by the conditions set by the Court.

5. Mr Yogesh Dabke, the learned APP, representing the State, submit that the applicants along with co-accused, assembled unlawfully with the intention of assaulting 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 lead to evidence

tampering or witness influence.

6. Upon perusing the records, it appears that the main allegations of assault are levelled against the applicants, who allegedly attacked the informant and his uncle with an iron rod and a wooden stick, resulting in grievous injuries. The weapons allegedly used by the applicants have yet been recovered. There appears to be a motive for committing the crime. The investigation is at a nascent stage. Admittedly, co-accused, Jagannath and Madan, who were granted bail, were not accused of wielding any weapon during the incident.

7. In light of the above, this Court is not inclined to grant anticipatory bail to the applicants. Resultantly, the application stands rejected.

[R.N. Laddha, J.]