

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2502 OF 2024

1. Ramesh Shivrayi Naik		
2. Yallapa Baswani Mekli		
3. Paresh Suresh Nashipuddi		
4. Mahantesh Irappa Karguppi		
5. Sagar Mallappa Gorav		
6. Mallesh Lagmanna Gorav		
7. Iranna Shankar Honnakanavar		
8. Santosh Shivrai Naik	...	Applicants
Vs.		
State of Maharashtra	...	Respondent

Mr. Tanmay Jadhav a/w. Mr. Jitendra Mulik for Applicants.
Mr. Tanveer Khan, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : SEPTEMBER 19, 2024

P.C. :

1. Heard Mr. Jadhav, learned counsel for the applicants and Mr.Khan, learned APP for the respondent-State.

2. In this case, the first informant has described in detail how he was assaulted, resulting in injuries and it is also alleged that a gold chain was snatched away by accused persons during the course of the incident. The offences have been registered as per FIR No.0074 of 2024 dated 16.07.2024 at Doddamarg Police Station, District - Sindhudurg under Sections 115(2), 118(1), 118(2), 119, 189(1), 189(2), 190, 191(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The learned counsel for the applicants submits that the incident occurred in a parking lot at Sindhudurg. It is alleged that when one of

the applicants was parking his motorcycle, a quarrel ensued between the applicants, the informant and others. It is submitted that the applicants were abused in Marathi language by the informant and others and since the applicants are from border District of Karnataka and they understand Marathi, this led to a quarrel and a scuffle. It is alleged that the informant belongs to a political party and he gathered a number of local individuals, who ultimately allegedly had beaten up the applicants. It is also alleged that while the applicants made an attempt to approach the police for registration of the FIR on their version of the incident, there was no co-operation and FIR could not be registered.

4. In these circumstances, it is submitted that since the applicants are ready to appear before the investigating officer and co-operate with the investigation, protection may be granted to the applicants.

5. On the other hand, the learned APP submits that in the present case, provisions pertaining to unlawful assembly have been invoked and there are sufficient statements in the information given by the first informant to make out the ingredients of the offences registered against the applicants.

6. Having considered the material on record, this Court is of the opinion that while keeping the present application pending, the applicants can be directed to appear before the investigating officer and to co-operate with the investigation. It appears that the incident arose out of a quarrel and there was scuffle, which led to injuries to members of both the parties. In such a situation, so long as the applicants are ready to co-operate with the investigation, interim protection can be granted.

7. In the light of the above, there shall be interim order in the following terms:-

A. Till the next date, in the event the applicants are arrested in

connection with FIR No.0074 of 2024 dated 16.07.2024 registered at Doddamarg Police Station, District - Sindhudurg, they shall be released on bail on furnishing PR Bond of Rs.25,000/- each and cash security of the equivalent amount;

- B. The applicants shall remain present before the investigating officer between 10:00 a.m. and 12 noon on 23.09.2024 and 24.09.2024 and thereafter as and when called by the investigating officer. They shall co-operate with the investigation;
- C. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

10. Needless to say, violation of any of the aforesaid conditions may result in this order being recalled.

11. Since the incident in the present case has occurred in District Sindhudurg where the applicants belonging to Karnataka had visited, the concerned police station is directed to ensure that, while the applicants co-operate with the investigation, no further incident occurs and the informant and other persons concerned with the informant do not create any trouble for the applicants.

12. The learned APP to communicate the aforesaid specific direction to the concerned police station.

13. List for further consideration on 18.10.2024, to be included in the supplementary list.

(MANISH PITALE, J.)