

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.26 OF 2025

Surya Ganpat Baraf and Anr.

.. Applicants

Versus

The Senior Inspector of Police and Anr.

.. Respondents

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- Mr. Ajay Harish Lad, Advocate for Applicants.
- Ms. Shilpa K. Gajare – Dhumal, APP for Respondents.
- PI – Ganesh Patil, Powai Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 08, 2025

P.C.:

1. Heard Mr. Lad, learned Advocate for Applicants and Ms. Gajare – Dhumal, learned APP for Respondents.

2. This is an Application for Anticipatory Bail filed by two Accused namely Accused Nos.3 and 5 in the FIR who are arraigned as Accused Nos.1 and 2 in the charge. Both Applicants were part of a group of family members who on date of incident i.e. 22.10.2024 attended a *Satyanarayan Puja* in the house of their maternal uncle. Similarly, injured Victim's family also attended the same puja. At that time since the house was small most of family members were waiting outside since pursuant to culmination of puja food was been served. At that time First Informant – Complainant Sandeep Kishor Aadge was having food inside the house heard some commotion outside his house and rushed outside to see what was happening. At that time, he saw

that the family members of Andherkar and Barab families were having a scuffle and there was chaos. What he saw is specifically narrated in the First Information Report (for short '**FIR**'). He saw that Santosh Dode, Rahul Barab, Applicant No.3, Ravi Dode, Applicant No.5 were inflicting fist and kick blows on some members of the Andherkar family whose names are given as Vikash Andherkar and Pravin Andherkar.

3. *Prima facie*, it has come on record that there was a land dispute between the two families but the trigger for the quarrel is not clear as to how it all started on the date of the incident. Unfortunately, Santosh Dode (Accused No.1) involved in scuffle used a weapon i.e. a sickle and injured two of the family members of Andherkar family. Complainant has stated that since he knew both the families well he immediately intervened to quell the quarrel but in that attempt he was also injured on his hand by Santosh Dode with the said sickle which is described as (चॉपर).

4. In so far as specific role attributable to the Applicants before me namely Accused Nos.3 and 5 is concerned, though it is stated that they alongwith other Accused used kick and fist to inflict blows on members of the Andherkar family as seen by Complainant, the entire episode is described as above only without giving any specific role to the present Applicants. The injured were treated.

5. Learned APP Ms. Gajare – Dhumal would vehemently submit

that the common intention of Barab family alongwith Santosh Dode is clearly evident in view of issue of land rivalry between the two families and only in view of that common intention of the assailants to harm the victims by weapon is therefore proved. *Prima facie*, it is seen that the weapon used by Santosh Dode as can be seen in the FIR at five places shows him injuring the two members and the Complainant. In so far as role of Applicants is concerned, it is already delineated hereinabove and limited to giving fist and kick blows. Details are not stated as to who gave the fist / kick blows to whom. The custodial interrogation of Applicants is not necessary in my opinion in the above facts.

6. Considering that there are no antecedents of the Applicants, the following order is passed. The Anticipatory Bail Application is allowed in terms of prayer clause (a), however subject to the following terms and conditions:-

- (i) In the event of the arrest, Applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
- (ii) Applicants shall report to the Investigating Officer at concerned Police Station, as and when called for by the Investigating Officer for investigation;
- (iii) Applicants shall furnish particulars of their addresses and

mobile numbers to the Investigating Officer within one week from today;

(iv) Applicants shall not misuse his liberty in any manner or influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence; and

(v) It is directed that Applicants shall extend complete cooperation in the investigation of the instant case.

7. Parties to act on a server copy of this order.

8. Anticipatory Bail Application stands allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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