

IN THE COURT OF DISTRICT JUDGE-1 & ADDITIONAL
SESSIONS JUDGE, PANVEL-RAIGAD
ORDER BELOW EXHIBIT 1 IN BAIL APPLN NO.410/2020
CNR NO.MHRG170007602020
(Dated 07/07/2020)

In anticipation of arrest the applicants have preferred application u/s.438 of Cr.P.C. for grant of necessary relief in C.R.No.112/2020 registered with Karjat Police Station, u/sec.307, 326, 337, 143, 147, 148, 149, 324, 323, 427, 504, 526, 188 of IPC.

2. It is to be noted that though no interim relief has been granted to the applicants, on oral request of Ld.Adv.for the applicants, notices were issued to the concerned police station and Ld.APP.

3. Heard Ld.Adv.Smt.Pooja Kondekar for applicant who submitted that applicants are anticipating their arrest with allegations that in the background of quarrel took place between the parties due to breakage of water pipeline, the applicants and the other co-accused persons assaulted the witnesses by sword, iron rod and wooden rafters. Ld.Adv. submitted that, during investigation some fo the co-accused have been arrested from whom alleged articles used for commission of crime have been shown recovered. Ld.Adv. submitted that, the injured witnesses have been discharged from the hospital which shows that injuries sustained to them are not life threatening. Ld.Adv. submitted that, there is

counter case lodged by the rival group and as such it is a matter of inference as to who was aggressor at the time of incident which will be seen during trial. Ld.Adv.submitted that, both the parties are otherwise in distant relations and as such there will be no further breach of law and order in the village. Ld.Adv. submitted that, the applicants have no criminal antecedent to their discredit. Ld.Adv. submitted that, the applicants are permanent resident at the given address and they undertakes to abide all the conditions that may be imposed by this court and prayed for interim relief u/sec.438 of Cr.P.C.

4. Ld.PP Shri.Pawar resisted the application and submitted that on very petty grounds both the groups created chaos in the village and assaulted each other by articles like iron rods and sword. Ld.APP submitted that, during investigation it has been revealed that, the applicant No.1, 2, 3, 5, 6, 7, 9 and 14 have actually participated for commission of crime and used the articles like sword, iron rod etc. of which the recovery at their hands is required and insisted for their custodial interrogation. Ld.PP however submitted that as far as the women applicants and other remaining applicants may be protected with certain conditions.

5. Upon hearing the Ld.Advocates and after going through the case papers, documents and the contents of FIR it appears that, there appears a specific role of applicant No.

No.1, 2, 3 , 5, 6, 7, 9 and 14 alongwith allegations of using the articles like sword and iron rod. There are statement of eye witnesses showing their implication in the crime for which investigation agency is required their custodial interrogation. There also appears some allegations against the women applicants that, at the material time of incident, they pelted stones, however, certain stones have been shown recovered from the spot. So also, regarding the remaining applicants except the applicant numbered here-in-above does not reveal any specific role though their presence appear on the spot. Under such circumstances following order is passed. Case papers returned. Hence, order.

ORDER

- 1] Application Exh.1 is partly allowed.
- 2] Application Exh.1 is rejected for the applicant Nos. 1, 2, 3 , 5, 6, 7, 9 and 14.
- 3] Application Exh.1 is allowed for the applicant Nos.4, 8, 10, 11, 12, 13, 15 and 16.
- 4] **In the event of arrest of applicant No.4-Meena Pandurang Dhule, No.8-Bharat Balu Dhule, No.9-Bhalchandra Balu Dhule, No.10-Rahul Pandurang Dhule, No.11-Dayanand Bharat Dhule, No.12-Ashok Parshuram Dhule, No.13-Balu Hari Dhule, No.15-Sulochana Vishnu Dhule, No.16-Meena Balaram Dhule in C.R.No.112/2020 registered with Karjat Police Station, u/sec.307, 326, 337, 143, 147, 148, 149, 324, 323, 427, 504, 526, 188 of IPC be released on P.B. and S.B. of Rs.15,000/- each**

5] Applicants 4, 8, 10, 11, 12, 13, 15 and 16 to attend concern police station on 10/07/2020 and 11/07/2020 in between 11.00 a.m. to 02.00 p.m.and to co-operate with investigation agency.

4] Applicants not to tamper the prosecution witnesses and/or evidence.

5] Application is accordingly disposed of.

(Directly dictated in open court on the office computer.)

Panvel

Date :-07/07/2020.

(R. G. Asmar)

Additional Sessions Judge,
Panvel-Raigad.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	S.J.Sheth
Name of Court	Addl. Sessions Judge, Panvel-Raigad
Date of Dictation	07/07/2020
Order signed by the P.O. on	07/07/2020
Order uploaded on	09/07/2020