

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1383 OF 2018

DEEPAK SURESH KUKREJA
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Jadhav Satej S
APP for Respondent : Mr. B V Virdhe

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WITH

ANTICIPATORY BAIL APPLICATION NO.1320 OF 2018

ARVIND MUKESHLAL KUKREJA
VERSUS
THE STATE OF MAHARASHTRA.

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Mr Shaikh Ashpak Taher Patel, Advocate for applicant.
Mr B V Virdhe APP for Respondent State.

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CORAM : V.K. JADHAV, J.
Dated : January 14, 2019

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PER COURT :-

1. The applicants in both the applications are seeking pre-arrest bail in connection with Crime No.273/2018 registered at MIDC Police Station, District Jalgaon, for the offences punishable under sections 307, 324, 332, 143, 147, 149, 323, 332, 504, 506, 427, 452, 34 of I.P.C. and under section 37(1), 135 of Bombay Police Act. Their applications with similar

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prayer bearing Criminal Bail Application No.796 of 2018 and 721/2018 respectively came to be rejected by the Additional Sessions Judge, Jalgaon vide order dated 06.12.2018 and 14.11.2018.

2. The learned counsel for the applicants in both the applications submits that though names of the applicant/s have been mentioned in the FIR, no specific role has been ascribed to them. So far as other co-accused persons are concerned, they are released on regular bail. In respect of the incident that has occurred on the same date, place and almost same time, co-accused No.9 Sajan @ Sajju Kukreja had lodged a complaint against 8 persons for having committed an offence punishable under sections 326, 323, 143, 147, 148, 149 of IPC. In the said incident co-accused Bharat Kukreja in the present crime had sustained grievous injury. He was admitted in the hospital and he remained under treatment of the Neuro Surgeon for some period. He had received injury by sharp weapon on scalp and shoulder. Learned counsel submits that, in the given

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state of affairs, false implication of the present applicant/s in the crime cannot be ruled out.

3. Learned APP has strongly resisted the application on the ground that the informant had sustained injury on the temporal region and also below the eye-brow. Thereafter, offence under section 307 of IPC came to be added against accused persons. There is evidence to show that the applicants alongwith co-accused formed an unlawful assembly with common object and in prosecution of the common object of the unlawful assembly caused injury to the informant and other witnesses. The applicants are not entitled for anticipatory bail.

4. After going through the allegations made in the complaint, it appears that there is enmity between two groups and one group was suspecting about launching of prosecution due to the information supplied to the police by the members of other group. Though, the names of the applicants are mentioned in

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the FIR, however, no overt act has been ascribed to them. So far as injuries sustained by the informant is concerned, the author of the said injury has been released on regular bail. Furthermore, in respect of the incident occurred on the same date and place and almost on the same time, the another FIR came to be lodged. Co-accused herein namely Bharat Kukreja had sustained grievous injuries and admitted in the hospital in consequence thereof. Antecedents of the applicants are clear. In view of the above and considering the entire aspect of the case, I am inclined to grant pre-arrest bail to applicants in both the applications. Hence, following order.

ORDER

1. Both the Anticipatory Bail Applications are hereby allowed.
2. The interim order of anticipatory bail dated 21.12.2018 passed in Anticipatory Bail Application No.1383 of 2018 and the order 14.12.2018 in Anticipatory Bail Application No.1320/2018 stand confirmed on the same terms and conditions.

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3. Both the applications are accordingly disposed off.

(V.K. JADHAV, J.)

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