

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.810 OF 2019

Amarjeet Balasaheb Pawar] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. J. Shekhar i/b J. Shekhar & Co., Advocate for the Applicant.

Mr. Rajan Salvi, APP for the State/Respondent.

Mr. Sanjay Yelpane, PN No.10 attached to Pandharpur City Police Station present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 14th AUGUST, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.337/2019 registered with Pandharpur City Police Station, District Solapur Rural on 16/02/2019 u/sec. 353, 332, 504, 506 of I.P.C.

2. The FIR is lodged by one Isak Mulani who was a Junior Engineer working with Zilla Parishad. He has alleged that, the present applicant was carrying on one construction of hall from the MLA fund. The contract was given to the contractor Santosh Lambgude and the applicant was constructing that hall on his behalf. The applicant had

submitted the bill for the work which he had completed. On 06/02/2019, the applicant contacted the informant for his payment. He was continuously insisting for prompt payment. On 15/02/2019, the applicant went to the office of the first informant and asked for his payment immediately. He threatened the informant. The first informant asked him to wait till next Monday. The applicant was angry and tried to assault the informant with a chair in the office. When the first informant was trying to prevent the blow, his hand got hurt. The applicant abused the first informant and went away. On this basis, the FIR is lodged.

3. Heard Mr. J. Shekhar, Ld. Counsel for the applicant and Mr. Rajan Salvi, Ld. APP for the State/Respondent.

4. On the last occasion, I had asked the Investigating Officer to produce the report of the Medical Officer showing exact damage and nature of injuries suffered by the first informant. However, even today the report is not produced and the medical certificate produced before me does not describe the exact nature of injuries. Though it is described as contusion, it is also described as grievous injuries. No further report is shown.

5. Mr. J. Shekhar, Ld. Counsel for the applicant submitted that, the applicant was mainly asking for the payment of the work which had actually done. Though, the incident should not have occurred, the applicant had no intention to cause hurt to the first informant. The applicant did not interfere with performance of informant's duty.

6. The applicant has tendered an affidavit in the Court today. A copy of the same is handed over to Ld. APP. In the said affidavit, the applicant has expressed unconditional apology to the first informant. He has stated that, said act would not be repeat again and that he had no intention to cause injury to the informant. Since, the medical certificate is not much clear, the medical report even after directions were not produced before me. I am not inclined to keep this application pending any further. Considering the affidavit tendered by the applicant, at this stage custodial interrogation of the present applicant is not necessary. It does not mean that, the offence is not true or that it is not serious offence. The applicant had not gone to the office of the informant with premeditation or with weapon. The incident had occurred on the spur of moment. Taking into account the apology tendered by the applicant, I am inclined to grant anticipatory

bail to the present applicant. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.337/2019 registered with Pandharpur City Police Station, District Solapur Rural, the Applicant is directed to be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. The applicant shall attend the concerned police station on every Sunday between 3.00 p.m. to 4.00 p.m. till filing of the charge-sheet.
3. The Trial Court shall not be influenced by this order granting anticipatory bail to the applicant while deciding the merits of the case during trial.
4. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)