

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.1538 OF 2019

Dadarao Kalidas Gaikwad Applicant

versus

The State of Maharashtra Respondent

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- Mr.V.V. Purwant, Advocate for Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 28th JUNE, 2019

P.C. :

1. The Applicant is seeking bail in connection with C.R.No.187/19 registered with Jodbhavi Police Station, Solapur, under sections 397, 504, 506 of the Indian Penal Code.

2. The FIR is lodged by one Buddhagagan @ Krishna Balaji Kamble on 03/04/2019. He has stated in his FIR that on 03/04/2019 at about 07.30 a.m. he was plying his Rikshaw and was waiting for passengers at Kumbharves Autorikshaw stop. At

that time, one Raj Kamble approached him and asked for contribution to celebrate Ambedkar Jayanti. He asked for Rs.550/-. At that time, the first informant gave him Rs.300/- and requested him for some time to give remaining amount of Rs.250/-. In the evening, at around 06.30 p.m., the first informant was waiting at the same spot. At that time, again the same accused Raj Kamble approached him and demanded Rs.250/-. The first informant again sought time. However, the accused got angry and started abusing. Raj Kamble called the present Applicant and 8-10 others. Raj Kamble was holding the first informant and the present Applicant removed Rs.800/- which he had earned during the day. The first informant was assaulted with kicks and fist blows. Thereafter the accused left the spot. On these allegations, the FIR is lodged.

3. The Applicant is arrested on 05/04/2019 and since then he is in custody.
4. Heard learned Counsel Mr.V.V. Purwant for the Applicant and learned APP Mr.S.H. Yadav for the State.

5. The other main accused Raj Kamble was granted anticipatory bail by Sessions Court, Solapur. The investigating agency has submitted their 'say' in this application. The said report is taken on record and is marked 'X' for identification. In the report it is mentioned that the investigation revealed that only offences punishable u/s 323, 504 r/w 34 are disclosed in the present crime and therefore the Investigating Officer has given no objection if the bail is granted to the Applicant on certain conditions. The report also mentions that the first informant had not lost the amount of Rs.800/-. It was kept in his other pocket. Because of the incident he was confused and therefore he had lodged this incorrect report. His correct statement is recorded u/s 164 of Cr.P.C.

6. In view of this statement in the report submitted by the Investigating Officer, there is no impediment in granting bail to the present Applicant. Hence, the following order :

ORDER

- (i) The Applicant is directed to be released on bail in connection with C.R.No.187/19 registered with Jodbhavi Police Station, Solapur, on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)