

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

ANTICIPATORY BAIL APPLICATION NO. 2159 OF 2019

Shri. Tukaram Balasaheb Dhavale	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. V. V. Purwant, Advocate for the Applicant.
Mr. Prashant Jadhav, APP for the State/Respondent.
Mr. S. M. More, PHC/1634, Akulj Police Station present.

CORAM : SARANG V. KOTWAL, J.
DATE : 04th OCTOBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 247 of 2019 registered at Akulj Police Station, Solapur, under sections 341, 327, 324, 323, 147, 148, 427, 504 and 506 r/w. 149 of the Indian Penal Code.
2. The FIR is lodged by one Dattatraya Dhavale on 10/06/2019. He has stated in his FIR that on 10/06/2019 he and his cousin Suraj were travelling in a Fortuner vehicle from Indapur towards Patilvasti. At that time, his vehicle was intercepted by two

Scorpio Jeeps. From those vehicles, 10 persons including the present applicant got down. They attacked the informant's vehicle with stones and weapons they were carrying. One Nagnath Khatke assaulted him on his head with sickle. Others pelted stones on the vehicle. In the incident, the informant's gold chain was lost. On this basis, the FIR is lodged.

3. I have heard Mr. V. V. Purwant, learned counsel for the Applicant and Mr. Prashant Jadhav, learned APP for the State/Respondent.

4. Shri. Purwant submitted that the learned Additional Sessions Judge, Malshiras was pleased to grant relief of anticipatory bail to the accused namely Bhimrao, Nagnath, Amol, Pratik, Vinayak, Pradip, Santosh and Dilip. However, by the same order the applicant's anticipatory bail application was rejected along with co-accused Pandurang, Akshaya, Ganesh, Vishal and Tushar. The main reason given by the learned Additional Sessions Judge was that, while the applicant and other co-accused were on interim protection, they committed other offences.

5. Shri. Purwant submitted that there was one more

offence registered against the applicant at Tembhurni police station vide C.R.No. 429 of 2019, while he was on interim protection in this case before the Sessions Court. He submitted that in C.R. No.429 of 2019 the applicant is granted anticipatory bail by the learned Additional Sessions Judge, Barshi vide his order dated 25/09/2019 passed in A.B.A.No.600 of 2019. In that order it was clearly mentioned that on the date of alleged offence, which was the subject matter of C.R. No.429 of 2019 of Tembhurni police station, the applicant was admitted in Central Multi Speciality Hospital, Solapur. Thus, his alibi, in fact, meant that he was falsely implicated in C.R.No.429 of 2019. He, therefore, submitted that, in this view of the matter the applicant also deserves protection of anticipatory bail in the present C.R.No.247 of 2019 on the ground of parity. Learned APP opposed this application and produced investigation papers before me.

6. I have considered these submissions. The informant Dattatraya Dhavale had suffered two simple injuries; (i) CLW on his head and (ii) multiple small abrasions. Thus, it appears that the narration in the FIR is exaggerated. Considering the fact that,

other co-accused who were placed similarly as that of the present applicant, as far as, their roles are concerned, the applicant deserves same treatment on the ground of parity. Only difficulty was that he had allegedly committed an offence while he was on interim protection. As demonstrated by Shri. Purwant, he was granted anticipatory bail on the ground of alibi in that subsequent offence, therefore, there is no impediment in treating him at par with others who are granted protection of anticipatory bail in this case. In this view of the matter, following order is passed.

ORDER

- (i) In the event of his arrest in connection with C.R. No. 247 of 2019 registered at Akulj Police Station, Solapur, the applicant is directed to be released on bail 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.)