IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2700 OF 2019

1. Vinod Vijay Mote, R/o.Navi Peth, Solapur.
2. Anand Dilip Dobale @ Dombale,
R/o.Navi Peth, Solapur. Applicants

versus

The State of Maharashtra Respondent

Mr.S.P.Rajepandhare for applicant.
Smt.A.A.Takalkar, APP, for State.
Mr.A.D.Bhosale, Police Constable, Pandharpur Taluka Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 10th December 2019

PC :

1. This is an application for anticipatory bail in CR No.546 of 2019 registered with Pandharpur Taluka Police Station for offences under Sections 326, 324, 323, 143, 147, 148, 149, 504 and 506 of Indian Penal Code.

2. The FIR was lodged by Satish Lavate on 17th September 2019. He has stated that there are disputes on distribution of property between him and Tanaji Lavate. On the previous day the workers of Ganpati Mandal were carrying procession of Ganesh immersion. They had used high volume of dolby and they were burning firecrackers. The complainant objected. Hence, Tanaji Lavte, Arjun Kolekar, Sandip Kolekar, Vinod Kolekar, Shrikant Kolekar and Kapilkumar Kolekar were angry. On 16th September 2019 there was a minor quarrel between Tanaji Lavate and complainant while

discussion was in progress. Arjun Kolekar, Sandip Kolekar, Vinod Kolekar, Shrikant Kolekar and Kapilkumar Kolekar abused the complainant. Arjun Kolekar assaulted him by iron rod on his nose. Complainants' cousin Shridarshan Lavate intervened. He was assaulted by Kapilkumar. Other accused assaulted him by fist and kick blows. Thereafter both of them approached the police for filing complaint. They were threatened. The first informant has not attributed role of assaulting him by the applicant. He has also not stated that the applicant had assaulted Shridarshan Lavate. The statement of Shridarshan was recorded in which he has stated that the applicant had assaulted him and complainant. The said statement is contrary to the version of the complainant. In any case, role attributed to Tanaji Lavate and Shridarshan is assault by fist blows.

3. As far as applicants are concerned, it is alleged that after the earlier incident, the applicants had threatened the complainant's mother and caused damage to the door of their house. It is also alleged that one of the accused was holding rod in his hand.

4. Admittedly the applicants were not the participants in the incident of assault and they had arrived subsequently. The co-accused Tanaji Lavate had preferred application for anticipatory bail before this Court viz ABA No.2672 of 2019 which is allowed by this Court. Learned APP submitted that there are statements of witnesses which supports the prosecution case.

5. Considering the factual aspects of this case, the applicant can be granted anticipatory bail. Hence, I pass following order :

**ORDER**

(i) Criminal Anticipatory Bail Application No.2700 of 2019 is allowed and disposed of;

(ii) In the event of arrest of applicants in connection with CR No.546 of 2019 registered with Pandharpur Taluka Police Station, the applicants be released on bail on furnishing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;

(iii) The applicants shall attend the Investigating Officer on 16th to 18th December 2019 between 10 am and 12 noon and thereafter as and when called by the I.O. till filing of charge sheet;

(iv) This applicants shall not enter into the area where the complainant and his family resides till further orders;

(PRAKASH D. NAIK, J.)

MST