

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

ANTICIPATORY BAIL APPLICATION NO.715 OF 2019

Nitin Sunil Dhage

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Ms.Rekha Musale i/b. Mr.Nitin Rajguru, Advocate for Applicant.
- Mr.Y.M. Nakhwa, APP for the State/Respondent.
- PSI Mr.R.G. Gomare, Indapur Police Station present.

CORAM : SARANG V. KOTWAL, J.

DATE : 10th JULY, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.13/19 registered with Indapur Police Station, Pune, under sections 307, 504, 506 r/w 34 of the Indian Penal Code.
2. The FIR is lodged by one Somnath Chandrakant Bhong. He has described the incident dated 05/01/2019. He has stated that, on 05/01/2019, there was some exchange of words

with the Applicant's group regarding parking of his motorcycle. Initially the quarrel was between the first informant and the accused Kiran Zagade. Thereafter at 12.30 p.m. accused Kiran Zagade, Balu Zagade, Nitin Zagade and Jadhav Guruji came to the shop of the first informant with iron rods and started assaulting him. All of them assaulted the first informant with iron rods. People from the locality gathered there and therefore the assailants went away from there. After that, the FIR was lodged.

3. Heard learned Counsel Mr.Nitin Rajguru for the Applicant and learned APP Mr.Y.M. Nakhwa for the State.
4. Learned Counsel for the Applicant pointed out that the Applicant's name is not mentioned in the FIR. Learned APP pointed out that the first informant had suffered injury on the occipital region and nine stitches were required on that injury. There are statements of two eyewitnesses. Their statements are recorded on 06/01/2019. At that time, both of them have stated

that, at the time of incident, the present Applicant had held the first informant and Kiran Zagade and Balu Zagade had assaulted him.

5. If the statements of eyewitnesses are compared with the FIR given by the injured himself, it is more than clear that the first informant himself has not implicated the present Applicant. At this stage, more weightage has to be given to the version of the first informant who is the injured himself. The statements of the eyewitnesses is recorded on the next day. Therefore, at this stage, the possibility of false implication on their part is not ruled out. There is a possibility that the Applicant may unnecessarily be arrested in this case. Therefore relying on the statement in the FIR, I am inclined to grant protection to the present Applicant. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.13/19 registered with Indapur Police Station, Pune, 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.)