

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

ANTICIPATORY BAIL APPLICATION NO.831 OF 2019

Ashwin Pundlik Jadhav Applicant

versus

The State of Maharashtra Respondent

**WITH
CRIMINAL APPLICATION NO.963 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO.831 OF 2019**

Mangesh Baban Nigde ...Intervener

IN THE MATTER BETWEEN :

Ashwin Pundlik Jadhav Applicant

versus

The State of Maharashtra Respondent

- Mr. Sandesh More a/w. Kishor D. Walunju, Advocate for the Applicant.
- Smt. Pooja Sejpai I/b. Nitin Sejpai, Advocate for the Intervener.
- Mr. Prashant Jadhav, APP for the State/Respondent.
- Mr. Sagar Kawale, ASI, Alibag Police Station, present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 16th JULY, 2019**

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No.38/2019 registered with Alibag Police Station, Raigad under Section 307, 324, 504, 506 of IPC and under Section 30 of the Indian Arms Act.

2. The FIR is lodged by one Police Constable Mangesh Nigade who was working at the Police Headquarter Alibag. His nature of work was to allocate duties to various police officers. On 17/2/2019, he had received instructions from the superiors that police officers of the rank of Sub-Inspector and other police officers should be allotted the duty of accompanying the prisoners in the jail to the Court. Therefore, he had allotted that duty to the present applicant since he was of the rank of Sub-Inspector of Police. The applicant did not like it. On 19/2/2019, he confronted the first informant. He abused the first informant, removed his own pistol and pointed it at the first informant. After that, he assaulted the first informant with the handle of the pistol. The first informant suffered bleeding injuries and thereafter, he

lodged the FIR.

3. Heard Mr. More, Ld. Counsel for the applicant, Mr. Prashant Jadhav, Ld. APP for the State and Smt. Pooja Sejpal, Ld. Counsel for the Intervener.

4. The Investigating Officer has filed an affidavit dated 4/7/2019. It is stated in the affidavit that on 10/6/2019 the Investigating Agency had informed the Chief Judicial Magistrate, First Class, Raigad that Section 307 of IPC and charge under Section 30 of Indian Arms Act have been deleted from the offence i.e. C.R. No.38/2019 registered at Alibag Police Station. It is mentioned in the affidavit that their investigation revealed that there was no intention to commit murder on the part of the applicant. It is further mentioned in the FIR that the applicant's anticipatory bail application was rejected by the Court of Sessions at Raigad and thereafter this application was filed on 2/4/2019. The subsequent development of deleting the offence under Section 307 of IPC and Section 30 of the Indian Arms Act had taken place

subsequently in the month of July 2019. Therefore, the only surviving section as against the present applicant are Section 324, 504, 506 of IPC. The nature of evidence is consisting of the statement of the injured himself. Both the informant as well as the applicant are from the police department. In this background, since the serious charge under Section 307 of IPC is withdrawn, there is no necessity to conduct custodial interrogation of the present applicant. Therefore, he deserves protection of anticipatory bail.

5. However, Ld. Counsel for the Intervener rightly submits that since the applicant is attached to Police Department and appears to be a short tempered person, some check has to be imposed on him so that he does not interfere with the investigation. Hence, the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No.38/2019 registered with Alibag Police Station, Raigad, 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) The applicant shall not interfere directly or indirectly with the investigation and shall not make efforts to contact the first informant.
- (iii) The Intervention application is disposed of.
- (iv) The ABA No.831/19 is disposed of in the above terms.

(SARANG V. KOTWAL, J.)