

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

ANTICIPATORY BAIL APPLICATION NO.1681 OF 2019

Bhimashankar Hanmant Birajdar	 Applicant
versus	
The State of Maharashtra	 Respondent
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- Mr.Ritesh Thobde a/w Mr.Sagar Tambe, Advocate for Applicant.
- Mr.S.S. Pednekar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 30th JULY, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.224/19 registered with Akkalkot Police Station, Solapur, under sections 394, 341, 323, 506, 504 r/w 34 of the Indian Penal Code.

2. The FIR is lodged on 16/05/2019 by one Kedarling Bhimashankar Nad. He has stated that the present Applicant was helping others in illegal business of excavation and transportation of sand. For the said purpose, he had allowed

them to use the road in his land. The first informant had objected to that and had informed the Talathi in respect of such offence. Therefore the present Applicant and others were holding grudge against him. On 15/05/2019 at about 12.30 p.m., he was travelling on his motorcycle. At that time, he saw that six dumpers were carrying sand and they were travelling in that area. The informant along with others stopped them and therefore they had to unload the sand. On 16/05/2019 at about 07.30 p.m. in the morning he was carrying milk and was proceeding towards Phatatewadi. At that time, Bhimashankar Kalanna Handral and the present Applicant intercepted him. They assaulted him with kicks and fist blows. They took with them his milk can and his vehicle. He was pushed in a ditch near the road. Thereafter all of them went away. On this basis, the FIR is lodged.

3. Heard learned Counsel Mr.Ritesh Thobde for the Applicant and learned APP Mr.S.S. Pednekar for the State.

4. Mr.Thobde submitted that the allegations against the present Applicant are not serious. He submitted that none of the accused had used any weapon in the assault. He submitted that the other accused were arrested and at their instance, the motorcycle as well as the milk can were recovered and therefore no purpose will be served by custodial interrogation of the present Applicant. He submitted that the informant had not suffered any injuries.
5. Learned APP Mr.Pednekar, on the other hand, submitted that the informant was threatened by the accused and there is a subsequent NC lodged against them. He submitted that though the recovery is effected at the instance of other accused, some check needs to be imposed on the Applicant, so that such offences are not repeated. He stated that the case of theft of sand is registered against the father of the Applicant and not against the present Applicant.
6. I have considered these submissions. It appears that the first informant has not suffered injuries. Therefore the only

question was in respect of taking away the vehicle and the milk can. They are already recovered at the instance of other accused. Therefore custodial interrogation of the Applicant will not serve any further purpose. However, looking at the nature of the offence it is necessary to impose certain conditions. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.224/19 registered with Akkalkot 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) The Applicant shall attend the concerned Police Station on every Sunday between 03.00 to 05.00 p.m. till filing of the charge-sheet.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)