

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1733 OF 2019

Namdev Nana Walunj] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Anant Vadgaonkar, Advocate for the Applicant.
Smt. A.A. Takalkar, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 7th AUGUST, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.138/2019 registered with Shirur Police Station, District Pune u/sec. 224, 225, 353, 324, 323, 332, 504, 506 r/w 34 of I.P.C.
2. The FIR is lodged by Police Constable Ankush Choudhari attached to Shikrapur Police Station. He has stated in his FIR that, the police party went in search of one Santosh Walunj who was to be arrested in C.R. No.856/2018 registered with Shikrapur Police Station. Santosh Walunj is son of the present applicant. When the police party went to his house on 03/03/2019, at around 10.45 p.m., Santosh was found in his house. He was informed that, his bail was

cancelled and he was asked to accompany the police. However, he refused to accompany them and resisted his arrest. That time, the present applicant came out of his house and tried to assault a private driver Swapnil on his head. Thereafter, he again assaulted Swapnil and the present first informant. In the meantime, Santosh and present applicant ran away from the house taking advantage of the darkness. On this basis, the FIR is lodged. The FIR is lodged only u/sec.323 and 354 of I.P.C.

3. The FIR does not show that, any serious injury was caused to anybody. However, because of his acts the absconding accused Santosh in C.R. No.856/2018 registered at Shikrapur Police Station could not be arrested. Thus, the offence is made out. However, I am considering the issue of grant of anticipatory bail in this case. Apart from statements of members of police party, the other evidence is not necessary in this matter. The applicant is 72 years of age. Only considering his old age and minor nature of injuries inflicted on the informant, I am granting protection of anticipatory bail. The applicant will have to co-operate with the investigation by attending the police station.

4. Ld. Counsel for the applicant makes a statement that, the main accused Santosh Walunj is already released on bail in connection with the present offence. Therefore, the present applicant can be protected in this case. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.138/2019 registered with Shirur Police Station, District Pune, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. The applicant shall attend the concerned police station as and when called and shall co-operate with the investigation.
3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)