

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

ANTICIPATORY BAIL APPLICATION NO. 1955 OF 2019

Mr. Balaso Baburao More & Ors. Applicants

Versus

The State of Maharashtra Respondent

Mr. Sandeep S. Salunkhe for Applicants.

Ms. S. S. Kaushik, APP for the State/Respondent.

Mr. A. N. Rangat, PHC/02, Karkamb Police Station, Solapur,
present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 06th SEPTEMBER, 2019**

P.C. :

1. At the outset, the learned counsel for the applicants states that he is not pressing this application for applicant nos.2 and 3. Therefore, this application has been considered only for grant of anticipatory bail to the applicant No.1.

2. The Applicant No.1 is apprehending his arrest in connection with C.R.No. I 106/19 registered with Karkamb Police Station, under sections 326,327,324,323,143,147,148,504 r/w.

149 of the Indian Penal Code and U/s.135 of Maharashtra Police Act. The FIR is lodged on 25/04/2019 by one Shankar Sawant. He has stated that he had dispute in respect of the boundary of their agricultural land with one Vishnu More. On 25/04/2019 a quarrel took place between the first informant's group and the applicant's group, when the applicant's group was repairing pipe line laid underground in the field of the first informant. The quarrel escalated and at that time, initially, accused Dada, Satish and Anil assaulted the informant with wooden sticks. It is further alleged that Audumbar came there with sword. While informant's brother and father were trying to separate the quarrel, at that time, all these applicants assaulted Pandurang on his knee and waist. The allegations in the FIR further show that the informant's father Gopal was assaulted on his legs and head. Thereafter, the accused went away from the spot.

3. Heard Mr. Sandeep S. Salunkhe, learned counsel for the Applicants and Ms. S. S. Kaushik, learned APP for the State/Respondent.

4. Learned counsel for the applicants submitted that there

was counter FIR in respect of the same incident vide C.R. No. 104/19 filed by co-accused Vishnu. He, therefore, submitted that the allegations in the FIR are not true.

5. Learned APP relied on the injury certificate of the injured in this case. Though, there are four injured in this case, only Gopal suffered fracture of leg. Thus, offence U/s.326 of IPC is made out. Though, there are allegation that the present applicant No.1 was also present at the scene when the incident taken place and had also taken part in the assault, at this stage, the allegations do make out a case of Section 326 of IPC, because Gopal suffered fracture of his leg. However, it cannot be overlooked that this particular injury is not attributed to the present applicant specifically. The important consideration which I am taking into account is the fact that the applicant is 70 years of age as stated by the learned counsel for the applicant. Therefore, considering his age and general nature of allegation against him, I am inclined to grant him anticipatory bail. His custodial interrogation is not necessary, but he will have to attend the concerned police station and he will have to co-operate with the investigation.

6. Hence, the following order :

ORDER

- (i) Application against applicant Nos.2 and 3 is allowed to be withdrawn.
- (ii) In the event of arrest of applicant No.1 in connection with C.R. No. 106/19 registered with Karkamb Police Station, the applicant No.1 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.
- (iii) The applicant shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)