

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

ANTICIPATORY BAIL APPLICATION NO. 1985 OF 2019

Pramod @ Amrut Balasaheb Dhavale ...Applicant

Vs.

State of Maharashtra ...Respondent

- Mr. Viresh V. Purwant, Advocate for the Applicant.
- Smt.A.A. Takalkar, APP for the State.
- Mr. S. A. Toradmal, API, Akluj Police Station, Solapur Rural.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th SEPTEMBER, 2019

P.C. :

1. The applicant is seeking Anticipatory bail in connection with CR No. 247/19 registered at Akluj Police Station, for the offences under Sections 341, 327, 324, 323, 147, 148, 149, 427, 504 and 506 of the IPC.

2. The FIR is lodged on 10th June 2019 by one Dattatray Dhavle. He has stated in his FIR that on 10th June 2019, at about 5.30 p.m., he was proceeding towards Malshiras. At around 6.30 p.m. he had reached Patilvasti. His car was intercepted by two vehicles, from which 19 known accused and other unknown accused got down. The present applicant was one amongst them.

The accused picked up stones from the road and pelted them on the informant's vehicle. Some of the accused were carrying weapons. One Nagnath Khatke gave a blow with sickle on the informant's head and hand. The car was damaged. In the incident the informant lost his gold chain and amount of Rupees Fifty Thousand kept in the car. On this basis, the FIR was lodged.

3. Heard, Mr. Purwant, learned counsel for the applicant as well as Smt. Takalkar, learned APP for the State.

4. Mr. Purwant, submitted that out of the nineteen accused, seven accused are already granted anticipatory bail by the court of sessions at Solapur. He submitted that the applicant was initially granted interim protection. However, his application was rejected on the basis of observations, which were factually incorrect. He submitted that on the ground of parity, this applicant also deserves protection of anticipatory bail.

5. Learned APP pointed out that the anticipatory bail applications of other accused namely Tukaram, Pandurang, Akshay, Ganesh, Vishal and Tushar were rejected because during pendency of their anticipatory bail application, before the court of

sessions, two different crimes vide CR No. 429/19 and 460/19 were registered at Malshiras Police Station. She, however, conceded that the present applicant was not an accused in either of these two offences.

6. I have considered all these submissions. I have also perused medical certificate in respect of the injuries suffered by the informant. He has suffered two injuries. One was abrasion and other was CLW on head with small dimension. Both these injuries are described as simple injuries. The applicant's co-accused namely Bhimrao Dhavle, Amol Dhavle, Pratik Dhavle, Vinayak Dhavle and Santosh Jatgap, who were similarly played were granted protection of anticipatory bail by the court of Sessions at Solapur. The applicant's application for anticipatory bail was rejected on erroneous observations that he was involved in crime No. 429/19 and 460/19 registered at Malshiras Police Station. Learned APP has accepted this fact.

7. In this view of the matter, on the ground of parity and also considering the nature of simple injuries suffered by the informant, I am inclined to grant protection of anticipatory bail to the present

applicant. His custodial interrogation is not necessary. Hence, the following order:-

ORDER

(i) In the event of his arrest in connection with C.R. No.247/19 registered at Akluj Police Station, 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.)