

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

ANTICIPATORY BAIL APPLICATION NO. 2105 OF 2019

Mr. Anil Chandu Sonawane Applicant

Versus

The State of Maharashtra Respondent

Mr. Shrinath Mate I/b. Raju Mate, Advocate for the Applicant.

Mr. S. H. Yadav, APP for the State/Respondent.

Mr. R. U. Nagtilak, P.N./1946, Haveli Police Station present.

CORAM : SARANG V. KOTWAL, J.

DATE : 27th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 151 of 2018 registered with Haveli Police Station, Pune, under sections 307, 324, 323, 504 and 506 r/w. 34 of the Indian Penal Code.

2. The FIR is lodged by one social activist Rahul Dambale. He has stated that on 22/06/2018 he came to know that one Rambhau Sonawane was preparing illicit liquor near Khadakvasla

Dam. The informant informed the police officers. The police officers and the informant went there. When they reached that spot, the persons working there went away. They could see that preparations were made to make illicit liquor. A four wheeler was parked there. Some broken wooden pieces were lying there. There were chemical drums and cans filled with illicit liquor. Suddenly, one Rambhau Sonawane, who was described as the owner of that illicit liquor, came there. He was accompanied by the applicant. It is alleged that he had attacked the informant and others and abused them. The applicant tried to assault Nagesh Bhosale with wooden log. He evaded the blow and did not suffer any injuries. Rambhau Sonawane tried to assault the informant, but even he evaded the blow and he did not suffer injury. Then Rambhau assaulted the informant. The police officers came there running, therefore, Rambhau and applicant ran away. On this basis, the FIR is lodged.

3. Heard Mr. Shrinath Mate, learned counsel for the Applicant and Mr. S. H. Yadav, learned APP for the State/Respondent.

4. Learned counsel for the applicant submitted that no injuries are caused either to the informant or Nagesh Bhosale. The incident is false and he is falsely implicated. No offence, as alleged, is committed.

5. Learned APP simply opposed this application. He did not have any further material to oppose this application. He fairly conceded that there were no injury certificates in respect of the informant or his friend Nagesh. Hence, at this stage, there is nothing to show that they have suffered any injury.

6. I have considered these submissions. It is obvious that nobody had suffered injuries in the incident. At the highest, the case is about hurling abuses, but for that purpose, custodial interrogation of the applicant is not necessary. Learned APP informed that a separate offence for preparation of illicit liquor is registered. That would be separate subject matter. However, in the present case, as mentioned earlier, no offence of assault is made out. The custodial interrogation of the applicant is not necessary. The applicant deserves protection of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No. 151 of 2018 registered with Haveli Police Station, Pune, 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.)