

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

ANTICIPATORY BAIL APPLICATION NO. 2672 OF 2019

Tanaji Ganpat Lavte @ Lawate ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. S.P. Rajepandhare, Advocate for the Applicant.

Smt. A.A. Takalkar, APP for the State-Respondent.

Mr. A.D. Bhosale, Pandharpur, Taluka Police Station.

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CORAM : PRAKASH D. NAIK, J.

DATE : 6th December, 2019

PC :

1. This is an application for bail in connection with C.R. No.546 of 2019 registered with Pandharpur Taluka Police Station, Pandharpur for offences punishable under Sections 326, 324, 323, 143, 147, 148, 149, 504 & 506 of Indian Penal Code.

2. The FIR was lodged by Satish Kashinath Lavate on 17th September, 2019. He has stated that there are disputes on distribution of property between him and the applicant. On the previous day the workers of Ganpati Mandal were carrying procession of Ganesh immersion. They had used high volume of Dolby and they were burning firecrackers. The complainant objected. Hence, the applicant as well as Arjun Kolekar, Sandip Kolekar, Vinod Kolekar, Shrikant Kolekar and Kapilkumar Kolekar were angry. On

16th September, 2019 there was a minor quarrel between applicant and the complainant while discussion was in progress. Arjun Kolekar, Sandip Kolekar, Vinod Kolekar, Shrikant Kolekar and Kapilkumar Kolekar abused the complainant. Arjun Kolakar assaulted him by iron rod on his nose. Complainants' cousin Shridarshan Lavate intervened. He was assaulted by Kapilkumar. Other accused assaulted him by fist and kick blows. Thereafter, both of them approached the police for filing complaint. They were threatened. The first informant has not attributed role of assaulting him by the applicant. He has also not stated that the applicant had assaulted Shridarshan Lavate. The statement of Shridarshan was recorded in which he has stated that the applicant had assaulted him and complainant. The said statement is contrary to the version of the complainant. In any case role attributed by the applicant, Shridarshan is assault by fist blows.

3. Learned APP submitted that the supplementary statement of the complainant was recorded in which he has attributed role of assault to all the accused. Apparently, there is improvement in his version. Statements of both the witnesses run counter to each other. Taking the allegations as it is the applicant had allegedly assaulted by fist and kick blows. Three persons were arrested and granted bail. Considering the aforesaid circumstances case for grant of

anticipatory bail is made out.

4. Hence, I pass the following order :

ORDER

- i) Anticipatory Bail Application No. 2672 of 2019 is allowed;
- ii) In the event of arrest of applicant in C.R. No.546 of 2019 registered with Pandharpur Taluka Police Station, Pandharpur, the applicant be released on bail on furnishing PR. Bond in the sum of Rs.25000/-, with one or more sureties in the like amount;
- iii) The applicant shall attend Investigating Officer on 11th to 13th December, 2019 between 10.00 a.m. to 12.00 noon and thereafter as and when called for till filing of charge-sheet.
- iv) Anticipatory Bail application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)