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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Anticipatory Bail Application (St.) No. 2841 of 2020

Prakash @ Pappu Digambar Tate ... Applicant
Vs.
The State of Maharashtra ... Respondent

WITH

Criminal Anticipatory Bail Application (St.) No. 3595 of 2020

Sachin Digambar Tate ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Jaydeep Mane, for the Applicant in both applications.

Mr. Y. M. Nakhwa, APP for the Respondent – State in ABA (St.)
2841/2020.

Mr. H. J. Dedhia, APP for the Respondent – State in ABA (St.)
3595/2020.

CORAM : C. V. BHADANG, J.

DATE : NOVEMBER 23, 2020
(Through Video Conference)

PC :

1. Both these applications, seeking pre-arrest bail, arise out of C. R. No. 1116 of 2020, registered with Sangola Police Station, district Solapur, under S. 143, 147, 148, 149A, 307, 323, 324, 326, 504 and 506 of Indian Penal Code. As such, they are being disposed of by this common order.

2. The aforesaid offence is registered on the basis of a complaint lodged by Megharani Chikhale. The incident is alleged to have happened on 3rd September, 2020 at about 9.00 a.m. on account of a dispute as to sharing of a common well water. The dispute was as to which party is entitled to draw water from the common well on a particular day. There are cross complaints lodged by the parties against each other. It may be mentioned that an offence at C. R. No. 1115 of 2020 is registered against the complainant and others. That offence is registered on the basis of a complaint lodged by Prakash Tate.

3. Be that as it may, there are in all six accused in the present crime. The applicants – Prakash @ Pappu Tate, Kaka Digambar Tate, Brahmdev Tate and Dattatray Tate (the applicants in Anticipatory Bail Application (St.) No. 2841/2020) are respectively accused Nos. 1, 2, 5 and 6. The applicant Sachin Tate (the applicant in Anticipatory Bail Application (St.) No. 3595/2020) is the accused No. 3.

4. I have heard the learned counsel for the applicants in both these applications and the learned APP for the respondent State. Perused record. I have gone through the complaint as well as the supplementary statement of the complainant Megharani Chikhle, as also the injury certificates.

5. Prima-facie it appears that insofar as the applicants Prakash @ Pappu Tate and others in Anticipatory Bail Application (St.) No. 2841/2020 are concerned, the allegations are that they had assaulted by means of fist and kick blows. Prima facie it appears that the material allegation is against accused Sachin Tate and Navnath Tate.

6. The learned APP referring to the statement of Girish Chikhle recorded on 11th September, 2020 pointed out that there are also allegations of the applicant Sachin Tate having threatened Girish Chikhle at Sangola Bazar. Thus, considering the overall circumstances, I find that the interim protection, as granted to the applicants / accused in Anticipatory Bail Application (St.) No. 2841/2020 can be made absolute. However, considering the nature of allegations against Sachin Tate, and particularly the statement of Girish Chikhle, recorded on 11th September, 2020 and the possibility of misuse of the protection, if granted, in my view, Sachin Tate is not entitled to pre-arrest bail.

7. In the result, the following order is passed.

ORDER

- (i) Criminal Anticipatory Bail Application (St.) No. 3595/2020 of applicant Sachin Tate is hereby rejected. Consequently, the

interim protection granted in his favour on 28th October, 2020 is hereby vacated.

(ii) Criminal Anticipatory Bail Application (St.) No. 2841/2020 of the applicants – Prakash @ Pappu Tate and others is hereby allowed. The interim protection granted in their favour on 12th October, 2020 is hereby made absolute.

(iii) Both the criminal applications are disposed of in the aforesaid terms.

Vinayak
P.
Halemath

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signed by
Vinayak P.
Halemath
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C. V. BHADANG, J.