

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

**CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2841 OF 2019**

Pruthviraj Vitthal Jagtap

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Prashant M. Patil, Advocate for the Applicant.

Mr. S. R. Shinde, APP for the state-respondent.

Mr. Ganesh Likare, Investigating Officer, Indapur Police Station,  
Present.

Mr. Sunil Baban Jagdhav, complainant, present.

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**CORAM : PRAKASH D. NAIK, J.**

**DATE : 6<sup>th</sup> January, 2020**

**PC :**

1. This is an application for anticipatory bail in C.R. No. 501 of 2019 registered with Indapur Police Station, Dist. Pune for offences punishable under Sections 307, 353, 379, 427, 506 r/w Section 34 of Indian Penal code. The FIR was lodged on 24<sup>th</sup> August, 2019.

2. The prosecution case is that incident took place on 24<sup>th</sup> August 2019. On that day Tahsildar was proceeding to take action against the persons who committed theft of sand. The applicant and others were travelling in the tractor which was filled with sand. One of the accused alighted from the tractor, removed pin attached to the tractor and trolley. As a result trolley came back in reverse condition and dashed against jeep thereby causing damage to the jeep.

According to the prosecution the pin was deliberately removed to kill the raiding party.

3. The applicant preferred two applications for anticipatory bail before the Sessions Court. The first application was rejected by order dated 1<sup>st</sup> November, 2019 and second was rejected on 13<sup>th</sup> December, 2019.

4. Learned advocate for the applicant submitted that the applicant has been falsely implicated in this case. Taking the prosecution as it is Section 307 of the IPC would not be attracted in this case. It is difficult to accept that while the tractor is in motion, the pin attached to the tractor and trolley can be removed. It is submitted that the applicant was at his residence on the day of incident and he has been falsely implicated in this case. The applicant has also annexed the copy of affidavit purportedly owned by one of the witness which according to the applicant exonerates him.

5. Learned APP vehemently opposed the application. It is submitted that there is sufficient evidence against the applicant. Reliance is placed on the contents of the FIR as well as statement of Smt. Sonali Metkari, Tahsildar Indapur, which attributes specific role to the applicant and the other accused. On instructions it is submitted that the affidavit relied upon by the applicant is false

document. It is submitted that the person who had purportedly executed the said affidavit is present in the court and he has denied executing such affidavit. Learned counsel for the applicant submitted that this affidavit was part of proceeding before the lower court and was relied upon by the applicant. It is submitted that the deponent in the said affidavit is government employee.

6. I have also perused the documents. The statement of Tahsildar clearly attribute role to the applicant. Learned APP has also submitted that the applicant has criminal antecedents. Offence vide C.R. N. 258 of 2015 and C.R. No. 150 of 2017 were registered against him. The offence vide C.R. No. 88 of 2018 was registered under Section 363, 343, 376(d), 323, 506 of IPC registered with Karmala Police Station. Learned counsel for the applicant submits that the applicant has been acquitted from the said case. Considering the averment in the FIR, the statements of the witnesses and the other material on record I do not find any reason to allow this application.

### **ORDER**

Anticipatory Bail Application No.2841 of 2019 stands rejected and disposed of accordingly.

**(PRAKASH D. NAIK, J.)**