

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

ANTICIPATORY BAIL APPLICATION NO.609 OF 2021

Birudev @ Birappa Shankar Kale Applicant

versus

State of Maharashtra Respondent

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- Mr.Ritesh Thobde, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 04th MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.34/2021 registered with Kamati Police Station, Solapur, under sections 307, 323, 504, 506, r/w 114 of the Indian Penal Code and under section 4 and 25 of the Indian Arms Act r/w 135 of Maharashtra Police Act.
2. Heard Mr.Ritesh Thobde, learned counsel for the Applicant and Ms.A.A. Takalkar, learned APP for the State.

3. The FIR is lodged by one Malhari Babu Kokare. He has stated that in the month of January there were elections for the post of Sarpanch. The informant was actively discussing with his group. At that time, Dhulappa Mhadkar and Vikram Kale from the opposite group were threatening the informant. On 31/01/2021, he was accosted by Dhulappa and Vikram. They started abusing him. The Applicant was standing nearby. He instigated Dhulappa and Vikram to beat the informant. Vikram started beating the informant with kicks and fist blows. Dhulappa removed his belt and assaulted him. Because of this assault, the informant suffered injuries on head and fingers. After taking treatment, he gave his FIR.
4. Learned counsel for the Applicant submitted that the Applicant has not taken part in the assault. There are false allegations against him. He is involved because of local politics.
5. Learned APP opposed this application. He has produced medical certificate in respect of injuries suffered by the

informant. The informant had suffered four injuries. One was on head and one was to the left thumb, which were described as grievous injuries. Other two were simple injuries.

6. I have considered these submissions. Admittedly, the Applicant has not taken part in the assault. The incident was not pre-planned. The Applicant just happened to be at the spot, when the other two accused started abusing and threatening the informant. There are allegations that he instigated the co-accused to beat the informant. However, this instigation was not about causing grievous hurt. The co-accused were not carrying any weapons. Therefore there is scope to believe that the Applicant never intended to instigate to such an extent that the grievous injury would be caused to the informant. Considering this background, there is possibility of false implication because of local politics. The Applicant can be protected by way of an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.34/2021 registered with Kamati Police Station, Solapur, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)