

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1715 OF 2021**

Santosh Laxman Khatkale	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

...

Mr.Makarand Kale i/b Samadhan Kashid for the applicant.
Mr.S.H. Yadav, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 26th JULY 2021**

P.C:-

1 The applicant is apprehending his arrest in C.R.No. 396 of 2021 registered with Sangola Police Station. The FIR came to be registered on 20th April 2021 on a complaint filed by one Mahesh Kumar Ligade, alleging that on the said date that when he was present in his agricultural field, three members of Khatkale family being Dinesh, Umesh and Santosh (applicant) were excavating the sand from the bank of river Maan, running through his field. When the accused persons were asked to desist, and questioned about the same, they hurled abuses as the complainant and his brother. The verbal altercation aggravated to an assault and the allegation is Dinesh assaulted the complainant

with an intention to kill him by means of a wooden spade and this resulted into an injury to his left side ribs and also trivial injury on his head. Umesh is alleged to have assaulted him by means of the wooden spade in his head and hands. As far as the applicant is concerned, it is alleged that he verbally abused and threatened the complainant and his brother. The injury caused to the complainant was treated and he underwent the treatment for surgery of his ribs. The aforesaid incident resulted in invocation of Sections 307, 504, 506 of the IPC.

2 As far as the other two accused are concerned, being Dinesh and Umesh, they have been released on bail on 21st May 2021 by the Addl. Sessions Judge, Pandharpur, by recording that the investigation is complete and the weapons and the tempo involved is seized. Taking into consideration the nature of the offence, they were held entitled for being released on bail.

3 As far as the role attributed to the present applicant is concerned, he is alleged to have abused the complainant and his brother and no injury caused to the complainant is attributed to the present applicant on a careful reading of the complaint. There is no reason for effecting any recovery of weapon since he is not alleged to have used any as per the version of the complainant himself. In such circumstances, taking into consideration the gravity of allegations and accusations specifically levelled against

the present applicant, no custodial interrogation is warranted but he should co-operate with the Investigating Agency in completion of the investigation. Hence, the following order :-

ORDER

- (a) In the event of his arrest, the Applicant - Santosh Laxman Khatkale in connection with C.R.No. 396 of 2021 registered with Sangola Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
 - (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
 - (c) The Applicant shall report to the police station on every Monday for a period of six months and thereby as and when required by the Investigating Officer.
5. The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J