

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

ANTICIPATORY BAIL APPLICATION NO. 859 OF 2020

Vijay Subhash Kore (Mali) Applicant
Versus
The State of Maharashtra Respondent

Mr. Rahul S. Kadam for Applicant.
Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 11th JANUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 638 of 2020 registered with Taluka Police Station, Solapur, under sections 323, 327, 336, 504 and 506 of the Indian Penal Code (for short 'IPC').
2. Heard Shri. Rahul Kadam, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is lodged at 7:50p.m. by one Maruti Mule in respect of an incident which had taken place on 11/10/2020 at about 6:00p.m. It is his case that, he was waiting on a road near an agricultural land. It

was raining. The applicant came there on his motorcycle. He picked up a stone and hurled it at the informant. It hit him on his left hand. The applicant picked up a stick which was lying nearby and gave blows to the informant. He abused the informant and removed Rs.3000/- from his pocket. The informant's son and one Sushil came there to help him. At that time, the applicant left the place. It is alleged that, this incident was a fallout of a quarrel between them which had taken place on 02/10/2020. On this basis, the F.I.R. is lodged.

4. Shri. Rahul Kadam, learned counsel for the applicant invited my attention to the F.I.R. lodged by the present applicant against the first informant Maruti Mule. That F.I.R. is lodged vide C.R.No.637 of 2020 at the same police station. It was lodged at 2:30pm on the same day under sections 143, 147, 148, 149, 323, 327, 427, 504 and 506 of I.P.C. In that F.I.R., the allegations are almost identical as made by the first informant Maruti Mule against the present applicant. In the F.I.R. lodged by the applicant, he has stated that, on 01/10/2020 there was some quarrel between them. On 09/10/2020 at 4:30p.m. Maruti Mule's son

Vaibhav, Vishal and Maruti himself came near him. They were accompanied by two more persons. The applicant was assaulted. His two wheeler was damaged and Rs.400/- were taken away. Shri. Kadam, therefore, submitted that, as a counter blast to this F.I.R., Maruti Mule has lodged his own F.I.R. just to pressurize the applicant. Considering the identical nature of the allegations, it is more than clear that, it is a concocted story and, therefore, the applicant deserves protection of anticipatory bail order.

5. The learned APP submitted that, there are 13 cases pending against the present applicant and there is one eye witness to the incident against the present applicant who had seen the applicant beating Maruti Mule with fists.

6. I have considered these submissions. The incident appears to be a petty incident. The interesting part is that, the allegations against the present applicant are almost identical to the allegations made against the first informant Maruti Mule in the F.I.R. lodged by the applicant himself. The applicant's F.I.R. was lodged at 2:30pm. i.e. prior in point of time and obviously the F.I.R. is lodged against the present applicant by Maruti Mule by

way of counter blast. Looking at the allegations made in the F.I.R. and the background in which the F.I.R. is lodged, custodial interrogation of the applicant is not necessary. He deserves protection of anticipatory bail order. However, considering the antecedents against the present applicant, some conditions are required to be imposed on him.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 638 of 2020 registered with Taluka Police Station, Solapur, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station once a week till filing of the charge-sheet.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)