

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1885 OF 2021

1. Rohidas Tanaji Bansode
2. Pravin Tanaji Bansode .. Applicants

Vs.

The State of Maharashtra .. Respondent

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Mr. Ghanasham S. Jadhav for the Applicants.

Ms. Rutuja Ambekar, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 12TH AUGUST, 2021.

P.C:-

1. The Applicants, who are arraigned as Accused Nos.4 and 5 in C.R. No.I-82 of 2021 registered with Tembhurni Police Station, Dist. Solapur, seek their release on bail in anticipation of their arrest.

2. The C.R. invokes Sections 395 and 327 of the Indian Penal Code.

3. The Complainant is one Shivadas Khadke, who reports

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about an incident, which took place on 15/02/2021 when the JCB machine was being operated in the field of one Sadaphule was required to refill the diesel and the complainant was asked to bring a can of 40 liters of diesel on the spot. It is alleged that while he was driving the vehicle with the diesel can, he was assaulted by eight accused persons and stones were pelted, which resulted in the diesel being spilled all over. It is also alleged that a gold chain and an amount of Rs.9500/- was removed from his pocket and he was assaulted. The allegations are that he was robbed of a gold chain and cash worth Rs.1,40,000/-.

4. When the injury certificate is perused, the Complainant has sustained three simple injuries. The allegation is about the golden chain and cash amount being robbed of. The alleged incident is reported to as a counter-blast of the FIR, which is registered by Ajit Bansode against Gorakh Khatke, the brother of the Complainant, who is arraigned as an accused in present C.R, invoking Sections 324, 323, 143, 147, 148, 149, 504, 506 of the IPC and the relevant provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Ajit Bansode is alleged to have been assaulted by the Complainant, his brother and his accomplice by means of wooden and iron sticks. This incident is reported to have taken place at 4.00 p.m. on 15/02/2021.

5. In the wake of the two counter FIRs and the FIR against the brother of the Complainant being instituted at an earlier point of time, the Applicants are entitled for protection subject to stipulation that they shall co-operate with the investigation and, in no manner, create any pressure upon the Complainant or his associates. Liberty is given to the prosecution to apply for cancellation of bail, in case if there is any misuse of the conditions, subject to which the Applicants are released on bail. Hence the following order:

: ORDER :

- (a) In the event of arrest, the Applicants – (1) Rohidas Tanaji Bansode and (2) Pravin Tanaji Bansode, shall be released on bail in C.R. No.I-82 of 2021 registered with Tembhurni Police Station, District Solapur, on executing P.R. bond to the extent of Rs.20,000/- each and furnishing one or two sureties of the like amount.
- (b) The Applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (c) The Applicants shall report to the Tembhurni Police Station, Dist. Solapur as and when called by the Investigating Officer.

6. The Application is allowed in the aforestated terms.
7. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]