

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2024 OF 2021**

Mahesh Baban Jorvar

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Satyavrat Joshi i/b. Mr. Jaydeep D. Mane for Applicant.

Mr.Y.M. Nakhwa, A.P.P. for Respondent-State.

Mr.Sandesh S. Nale, P.S.I., Sangola Police Station, Solapur (Rural).

CORAM : A.S. GADKARI, J.**DATE : 6th September 2021.****PC. :**

1. Applicant is apprehending arrest in connection with C.R. No. 430 of 2021, dated 28th April 2021 registered with Sangola Police Station, Solapur (Rural) for the offence punishable under Sections 326, 325, 323, 504, 506, 143, 147, 149, 148 of Indian Penal Code and Section 135 of Maharashtra Police Act, 1951.

2. Heard Mr.Joshi, learned counsel for the Applicant and Mr.Nakhwa, learned A.P.P. for State. Perused the record of investigation.

3. The First Information Report is lodged by Mr.Akhil Dadaso Mulani. It is the prosecution case that, on 26th April 2021 at about 4.00 pm, co-accused Akhtar Mulani gave a dash to the motorcycle of informant. A

quarrel ensued thereof. Co-accused Akhtar Mulani therefore called Chand Ramjan Mulani and Mahesh B. Jorvar (Applicant) at the scene of offence. It is alleged that, the Applicant caught hold of Imran Dastgir Shaikh, nephew of informant and co-accused Akhtar Mulani and Kabir Chandulal Mulani assaulted informant with kicks and fist blows. In the said fight, it is alleged that, the co-accused Akhtar Mulani took a wooden log lying at the scene of offence and assaulted with it on the knee of left leg of informant. Co-accused Akhtar Mulani also bite on upper arm of the informant. In this brief premise, the present crime is registered.

4. Record indicates that, the co-accused in the present crime i.e. Akhtar Mulani has also registered a crime bearing C.R. No.426 of 2021 on 27th April 2021 at about 10.30 pm arising out of the same incident. Co-accused Akhtar Mulani in his report has stated that, though he had returned the handloan of Rs.20,000/- taken by him from Akhil Mulani (informant in the present crime), he demanded additional Rs.10,000/-. An argument took place which ensued in a fight and in the said fight Akhil Mulani assaulted Akhtar Mulani on his head with a chopper (sattur).

5. Thus, it is clear that, there is a case and a counter case filed by both the groups of accused against each other. As far as present crime is concerned, as noted earlier, the only allegation against the Applicant is that, he caught hold Imran Shaikh, the nephew of Akhil Mulani at the time of the

said incident. Apart from the said fact, no other role is attributed to the Applicant. There is no allegation against the Applicant that, he assaulted anybody in the said fight. It *prima-facie* appears that, the Applicant tried to pacify the said fight which took place between the said two groups of Akhil Mulani and Akhtar Mulani. In view thereof, the Applicant can be protected by pre-arrest bail.

6. Hence the following Order :-

- (i) In the event of arrest in C.R. No. 430 of 2021, dated 28th April 2021, under Sections 326, 325, 323, 504, 506, 143, 147, 149, 148 of Indian Penal Code and Section 135 of Maharashtra Police Act, 1951 registered with Sangola Police Station, Solapur (Rural), the Applicant shall be released on bail on his furnishing P.R. bond in the sum of Rs.10,000/- with one or two local sureties in the like amount.
- (ii) Applicant shall attend the Investigating Officer initially on 14th & 15th September 2021 between 10:00 am to 12:00 noon and to join the process of investigation. Applicant thereafter shall attend the Investigating Officer as and when called for after receipt of a notice in writing specifying date and

time thereof till filing of the Final Report in the present crime.

(iii) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.

7. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]