

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

ANTICIPATORY BAIL APPLICATION NO. 1144 OF 2020

1. Manik Bapu Pawar	
2. Annasaheb Haridas Walekar	... Applicants
versus	
The State of Maharashtra	 Respondent

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Mr. Abhijeet A. Desai, for the Applicants.
Mr. S. H. Yadav, APP for State/Respondent.

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CORAM : SARANG V. KOTWAL, J.
DATE : 14th JANUARY, 2021

P.C. :

1. The applicants are seeking anticipatory bail in connection with C. R. No.373 of 2020 registered at Tembhurni Police Station, Dist. Solapur under Sections 307, 504, 506, 143, 147, 149 of Indian Penal Code.

2. Heard Mr. Abhijeet Desai, learned Counsel for the applicants and Mr. Yadav, APP for the respondent.

3. The First Information Report is lodged by one Sahadeo Bhosale. He has stated that on 27th May 2020 at about 5.30 p.m. he and his cousin Tanaji were present in their house. At that time,

a driver of the tractor Vitthal Bhosale informed him telephonically that one Sampat Pawar restrained his tractor from proceeding further on Pannad road. The informant and Tanaji went to the spot. At that time, Sampat Pawar and his two sons Rajendra and Pradip, started abusing the complainant. Rajendra gave a blow with sword on his head and Pradip gave a blow with iron rod on his back. Sampat then tried to strangle Tanaji. At that time, both the applicants and others reached the spot and joined Sampat Pawar's group and assaulted the informants group. On this basis, the F.I.R. is lodged.

4. The learned Counsel for the applicant submitted that the incident has not occurred as mentioned in the FIR, instead the correct facts are mentioned in the FIR lodged by Sampat Pawar vide C.R. No.370 of 2020 registered at the same Police Station on the earlier date i.e. on 20th May 2020 under Sections 307, 326, 324, 143, 147 and 149 of Indian Penal Code. He submitted that as a counter blast to that F.I.R, the present FIR against the applicants is lodged.

5. The learned APP relied on the investigation papers and

mainly on the injury certificates.

6. I have considered the submissions and I have perused the injury certificates. The injured first informant Sahadeo had suffered two simple injuries on head. Tanaji has also suffered two simple injuries on vertex. Thus, it is difficult to observe that Section 307 of Indian Penal Code can be attracted in this case. However that would be the matter of investigation and the trial. As far as the present applicants are concerned the description in the F.I.R. itself shows that the applicants had reached the spot after Rajendra Pawar has given a blow on the informant's head and Pradip has given a blow on his back. There are allegations against Sukhdeo of causing head injury on Tanaji. In any case, all injuries are described as simple injuries. No particular overt-act is attributed to either of these applicants. Therefore, custodial interrogation of the applicants is not necessary. Hence they deserve protection of anticipatory bail. Hence, the following order.

ORDER

1. In the event of their arrest in connection with C.R.No. C. R. No.373 of 2020 registered at

Tembhurni Police Station, Dist. Solapur, the applicants are directed be released on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties in the like amount.

2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)