

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

ANTICIPATORY BAIL APPLICATION NO.340 OF 2021

Ravindra Balu Patil Applicant
Versus
The State of Maharashtra Respondent

Mr. DhruPAD Patil i/b. Dheeraj Patil, Advocate for the Applicant.
Mrs. A.A. Takalkar, APP for the Respondent-State.
PHC 623 Mr. Prakash Damale, Panhala Police Station is present.

CORAM : SARANG V. KOTWAL, J.
DATE : 05th FEBRUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.213/2020 registered at Panhala Police Station, District – Kolhapur on 27.10.2020 under Sections 354, 327, 324, 323, 504, 143, 147, 148 read with 149 of the Indian Penal Code.

2. Heard Shri DhruPAD Patil, learned Counsel for the Applicant and Smt. A.A. Takalkar, learned APP for the State.

3. The First Information Report is lodged by one Gorakh Bauchkar. He has narrated about his dispute with one Kisah Bauchkar in respect of a piece of land and tin-shed raised on that

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land. On the day of the incident, both the parties started quarreling with each other. The FIR mentions that the Kisan's group came there carrying sticks. The present Applicant was one of them. It is alleged that the accused Adarsh Bauchkar assaulted Ramesh Patil on his head. The accused Pravin Bauchkar assaulted the informant on his nose. Accused Kisan Bauchkar assaulted Sagar and Anita with stick on their heads. On these allegations, the FIR is lodged. In the FIR itself except for his presence on the scene of offence with stick, no role is mentioned against the present Applicant.

4. Learned Counsel for the Applicant submitted that it was a petty incident and no one has suffered serious injuries. He submitted that the allegations of commission of offence punishable under Section 354 of IPC are made only to give serious colour to the entire incident.

5. Learned A.P.P. relied on the averments in the FIR as well as the statements of eye witnesses recorded during the investigation. She has produced the injury certificates of the injured in this case.

6. I have considered all these submissions. The injury certificates show that the injured Sagar Bauchkar has suffered one swelling and one abrasion. Both these injuries were simple injuries. The injured Savita Bauchkar has suffered two simple injuries on her arm and neck. Injured Anita Bauchkar has suffered simple injury on her head and on left eye-brow. The injured Rekha has suffered simple injuries on her shoulder and forearm. The informant has suffered simple injury on his nose. The injured Ramesh Patil has suffered one simple abrasion. From these injury certificates it is more than clear that it was a petty offence and nobody has suffered serious injuries.

7. The statement of one Rekha Bauchkar recorded on 27.10.2020 mentions that at the time of quarrel, the Applicant had snatched the Mangalsutra worn by Savita and had tried to pull their sarees and also had assaulted them with a stick.

8. The statement of Savita Bauchkar recorded on 4.11.2020 mentions that the Applicant had snatched her Mangalsutra and he had tried to pull Rekha's saree.

9. These allegations are absent in the FIR. The FIR is lodged by the informant and the detailed narration is mentioned in the FIR and yet no role whatsoever was attributed to the Applicant. In fact, the FIR mentions that Rekha and Savita were assaulted by the accused Sampada Bauchkar and Reshma Bauchkar. The statement of Savita Bauchkar is also recorded belatedly. Therefore, there appears to be some afterthought to give it a serious colour.

10. This Court vide order dated 22.1.2021 passed in ABA No.182/2021 has already granted anticipatory bail to the accused Kisan Bauchkar. He was attributed a definite role in the FIR as well as in the statements of eye witnesses, but, for the reasons recorded in that order, he was granted anticipatory bail. The Applicant also deserves same treatment on the ground of parity.

11. In this background, the custodial interrogation of the Applicant is not necessary. He can be protected by an order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.213/2020 registered with Panhala Police Station, District – Kolhapur, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)