

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.495 OF 2021**

Sarjerao Tatyaba Bhor & Anr. .. Applicants
Vs.
The State Of Maharashtra .. Respondent

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Mr. Shantanu R. Phanse a/w S.S. Bedekar, Advocate for Applicants.
Mr. Sachin Deokar for complainant.
Mr. A.R. Kapadnis A.P.P. for the State-Respondent.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 23rd FEBRUARY, 2021**

PC.

1. This is an application for anticipatory bail in connection with C.R. No. 19 of 2021 registered with Jejuri Police Station, Pune for the offence punishable under Sections 143,147,148,149, 323, 326, 341, 504, 506 of Indian Penal Code (for short "IPC") and under Section 135 of Maharashtra Police Act.

2. The case of the complainant is that, there was an election of Gram Panchayat on 15th January 2021. The panel of the complainant declared elected as seven members of his panel were elected. The accused were belonging to the opposite panel. Four candidates from their panel were elected. On 18th January 2021 after the result was declared, the applicants and other accused, who are allegedly armed with weapons; iron rod, Bamboo and assaulted the complainant and injured person Shrikant Rajpure. He had sustained injuries.

Arjun
M.
Kadam

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3. Learned Counsel for the applicants submitted that on account of political rivalry, false case was lodged against the applicants. No role has been attributed to the applicants in the offence although presence of the applicants is shown. On perusal of the FIR, it is apparent that applicant No.1 was allegedly present at the place of incident. He has not assaulted the complainant. Applicant No.2 was attributed role of assault. It is submitted that applicant No.1 has been attributed role of assaulting Shrikant Rajpure. Implication is after the cross FIR was lodged at the instance of wife of applicant No.1.

4. Learned APP submitted that the applicants and others were armed with weapons and specific role has been attributed to both these applicants. Applicant No.1 armed with iron rod and he had assaulted Shrikant Rajpure, who had sustained serious injury.

5. Learned advocate for intervenor also reiterated the submission of learned APP and submitted that the applicants and others were armed with weapons. It was a deliberate act. The incident had not occurred at the spur of moment and specific role has been attributed to the applicants.

6. On perusal of the FIR it is apparent that the applicant No.1 has allegedly assaulted Arjun Bhor. The presence of applicant No.1 is also reflected in the FIR. However, the role assigned to him is assault by wooden stick and the person to whom he has allegedly assaulted, had not sustained any serious

injury.

7. In these circumstances the submissions of learned counsel for the applicants cannot be accepted at this stage. The investigation is in progress. Considering the role attributed to the applicant No.2, protection under Section 438 Cr.P.C. can be granted to him. However, no case for grant of such relief to applicant No.1 is made out.

ORDER

(i) Anticipatory Bail Application No.495 of 2021 is partly allowed.

(ii) In the event of arrest of the applicant No.2 in connection with C.R. No. 19 of 2021 registered with Jejuri Police Station, Pune the applicant No.2 be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;

(iii) The applicant No.2 shall report investigating officer on 08th, 09th and 10th March 2021 between 11.00 to 01.00p.m.

(iv) In so far as Applicant No.1 is concerned, his prayer for grant of Anticipatory bail is rejected.

(v) Application stands disposed of.

(PRAKASH D. NAIK, J.)