

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

ANTICIPATORY BAIL APPLICATION NO.745 OF 2021

Prashant Popat More Applicant
Versus
The State of Maharashtra Respondent

Mr. R.S. Kate, Advocate i/b. Rupesh A. Zade, for the Applicant.
Smt. A.A. Takalkar, APP for the Respondent-State.
API Pramod Pore, Baramati Taluka Police Station is present.

CORAM : SARANG V. KOTWAL, J.
DATE : 17th MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.97/2021 dated 17.2.2021 registered at Baramati Taluka Police Station, District-Pune under Sections 109, 294, 307, 323, 326, 334, 504, 506 read with 34 of the Indian Penal Code.

2. The FIR is lodged by one Rahul Gavhane. He has stated that they had four buffaloes and his family is depending on the milk business for their livelihood. As a side business, they sell organic fertilizers produced during their main business. In February, 2021 they had sold the fertilizers to one

Satyawan Jagtap. He had brought his vehicles. The vehicles had crossed the pipeline belonging to the present Applicant. There was dispute. The Applicant did not want the vehicles to cross over their pipelines. The informant's family assured that they would take care but inspite of that the Applicant started quarreling. There are allegations that the Applicant Prashant and his brother Tom @ Vinod came at the spot. The Applicant instigated Tom to assault the informant's group. It is alleged that Tom then tried to give blow on the informant. The informant warded it off but then Tom assaulted the informant's father with Sattur. The informant's brother Mahadev tried to save both of them. At that time, Tom gave him blow with Sattur. While he was warding off that blow with his hands he suffered injuries on left hand. The informant's sister-in-law Jyoti also suffered injuries. It is mentioned in the FIR that in the incident when the Applicant was trying to give blow on the informant, accidentally it hit the Applicant's own brother Tom and he suffered injuries. On this basis, the FIR is lodged.

3. Heard Shri R.S. Kate, learned Counsel for the Applicant and Smt. A.A. Takalkar, learned APP for the State.

4. Learned Counsel for the Applicant relied on the medical certificate in respect of injuries suffered by Vinod @ Tom, which is annexed at Exhibit 'H' to this application. That medical certificate shows that Vinod @ Tom has suffered depressed fracture on right parietal lobe. He submitted that this shows that the informant's group was the aggressor group and the Applicant as well as his brother have suffered serious injuries. In particular, the Applicant's brother has suffered skull fracture. Therefore, the story narrated in the FIR is not true and only to protect themselves the informant lodged FIR against the present Applicant. The injury certificate in respect of the injuries suffered by the Applicant is tendered in the Court. Same is taken on record and marked 'X' for identification.

5. Learned A.P.P. opposed this application and submitted the medical certificates before the Court. She submitted that the informant's brother Mahadeo has suffered

fracture of little finger. It was a grievous injury. She submitted that there are ten antecedents against the present Applicant. She, therefore, submitted that the Applicant should not be granted protection of anticipatory bail.

6. I have considered all these submissions. Significantly learned A.P.P., on instructions of the investigating officer who is present in the Court, has conceded that the Applicant's brother Vinod @ Tom has suffered skull fracture, which is quite a serious injury. The explanation given in the FIR for this injury does not appear to be probable. Compared to this, the informant's brother Mahadeo has suffered fracture of little finger. Therefore, at this stage, there is scope to believe that that the allegations in the FIR are not completely true.

7. Considering the serious injury suffered by the Applicant's brother and the injury suffered by the Applicant himself, the Applicant's custody will not be justified in this case. Though learned A.P.P. has submitted that there are ten antecedents against the present Applicant, considering the

facts of the case in this particular case, his custodial interrogation is not justified. Because of his antecedents, certain conditions can be imposed on him. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.97/2021 dated 17.2.2021 registered at Baramati Taluka Police Station, District-Pune, 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) The Applicant shall attend the concerned police station as and when called and shall cooperate with the investigation. In addition, the Applicant shall attend the concerned police station every fortnight for a period of one year from today.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Pradeepkumar
P. Deshmane

Digitally signed by
Pradeepkumar P.
Deshmane
Date: 2021.03.19
11:39:00 +0530

Deshmane (PS)