

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

ANTICIPATORY BAIL APPLICATION NO. 768 OF 2021

Dhanaji Shamrao Gund Applicant

Versus

The State of Maharashtra Respondent

Mr. Satyavrat Joshi i/b Jaydeep Mane, for the applicant.
Smt. A.A. Takalkar, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE : 18th MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 111 of 2021 registered at Pandharpur Taluka Police Station, Pandharpur on 14/2/2021 under sections 353,332,341,323,504 read with Section 34 of the Indian Penal Code.

2. Heard Mr. Satyavrat Joshi, learned counsel for the applicant and Smt. A.A. Takalkar, learned APP for the State.

3. The FIR is lodged by one Nagesh Shinde who was S.T. driver. On 13/2/2021, he was driving his S.T. bus from Risod to Pandharpur. At around 8.00 p.m. when he had reached

Kharatwadi, his bus over took a tractor. After driving at some distance, one two wheeler stopped him. The rider of the two wheeler got down from the motor cycle and started quarreling with the informant. He started abusing and beating the first informant. His grievance was that because of rash driving of the informant, his tractor had suffered damaged. It is alleged that the motor cycle rider called three friends and then all of them assaulted the informant. Another S.T. bus driver Dayal Vitthal Jayrao came on the spot to save the informant but he was also beaten. Thereafter passengers and other villagers separated the fight and accused went away. The FIR mentions tractor No. MH-46/6239. On this basis the FIR is lodged.

4. Learned Counsel for the applicant submitted that the tractor does not belong to him. Motor cycle number is not mentioned in the FIR. There is no connection of the applicant with the present offence. The informant did not know the offenders. The FIR does not mention names of the offenders.

5. Learned APP opposed this application based on the contentions in the FIR.

6. I have considered these submissions. Learned APP produced investigation papers regarding investigation carried out so far. They contain injury certificate of Dayal and the informant Nagesh. Most of the injuries are simple injuries but that does show that the incident in question had taken place. As about identity of the offenders, the learned APP invited my attention to the statements of two witnesses who had separated the fight. In those statements of two witnesses, there is a reference that inquiry was made with the villagers and that time names of three accused transpired. However, which witness had given names is not mentioned in their statements.

7. Today the investigating officer is present. He is also unable to mention names of the villagers who had supplied names of the applicants. In view of this matter, investigating agency does not have any reliable material warranting custodial interrogation of the present applicant. Therefore applicant needs to be protected by an order of anticipatory bail. It is made clear that the applicant will have to co-operate with the investigation and will have to co-operate in all stages of investigation including

investigation for establishing his identity.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No. 111 of 2021 registered at Pandharpur Taluka Police Station, 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 co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)