

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1049 OF 2021**

Bhauso Namadev Gavhane

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Ranjeet M Pawar i/b Apoorv Singh, for the applicant.
Smt. Veera Shinde, APP for the State/Respondent.

**CORAM: SARANG V. KOTWAL, J.
DATE : 23rd JUNE 2021**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 109 of 2021 registered at Baramati Police Station, Pune on 20/02/2021 under sections 307, 326, 324, 323, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code.

2. Heard Mr. Ranjeet Pawar, learned counsel for the applicant and Smt. Veera Shinde, learned APP for the State.

3. The FIR is lodged by one Prashant More. He has spoken about an incident dated 16/02/2021 which had taken place at around 5.15 p.m. There was some dispute between the applicant and the first informant.

The informant was afraid that his pipeline would be damaged because the applicant and his son Rahul were digging on that particular piece of land. There was a quarrel. The informant told applicant's driver and JCB operator to remove the vehicles. While the vehicles were being removed, the applicant's son Rahul raised his iron spade . The informant went towards him. Rahul then called his other family members including his mother and wife. Ramesh Gavhane was having sickle. Ritik Gavhane was having iron rod. Rahul Gavhane as mentioned earlier was having spade. Ladies were having stones and all of them assaulted the first informant and his younger brother Vinod More with their respective weapons causing serious injuries. After the incident the informant and his brother were taken to the hospital where they were treated.

4. Learned Counsel for the applicant submitted that the applicant has not taken part in the entire incident. His role is limited to his presence at the spot and at the beginning of the quarrel. However,

subsequently, there was some serious altercation between the informant and applicant's son Rahul. Thereafter the main incident and assault had taken place. The applicant had not taken any part in that incident of assault. Therefore even by applying Section 149 of the Indian Penal Code, the applicant cannot be roped in.

5. Learned APP opposed this application. She relied on the injury certificate of Prashant the first informant and his brother Tomy @ Vinod More. Prashant has suffered three injuries out of which two were grievous. There was skull fracture. Vinod has suffered three injuries out of which two were grievous. He has also suffered skull fracture.

6. I have considered these submissions. I have perused statement of the other victim Vinod More. His version is consistent to that of the informant. Thus it appears that the applicant's role is limited to the first part of the incident. The assault took place subsequently in which no role is assigned to the applicant. Even otherwise applicant's son Rahul had started the assault and second

part of the incident. With the help of his other family members he had caused injuries to the informant and his brother.

7. Considering this background the applicant can be protected because he has not played any role in the incident of assault.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No. 109 of 2021 registered with Baramati Police Station, 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 Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)