

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

ANTICIPATORY BAIL APPLICATION NO.1386 OF 2021

Ajinky Dinkar Suryawanshi Applicant
Versus
The State of Maharashtra Respondent

Mr. Prashant P. Raul, Advocate for the Applicant.
Smt. J.S. Lohokare, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 18th JUNE, 2021
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.384/2020 registered at Vadgaon Police Station, Kolhapur under sections 143, 147, 149, 327, 323, 504 of the Indian Penal Code.

2. Heard Shri Prashant Raul, learned Counsel for the Applicant and Smt. J.S. Lohokare, learned APP for the State.

3. The FIR is lodged on 22.10.2020 by one Prashant Pawar. He has stated that on 21.10.2020 at about 9:00 p.m. he along with his friend were having dinner at hotel Sher-e-Punjab at Kolhapur. At that time one car bearing No.MH-09-DM-6991 was parked nearby. Five persons were standing near the car. They were consuming liquor. There was some quarrel between the two groups. It is alleged that the informant was pushed on the ground. Somebody from the accused removed a gold chain weighing one tola. Informant and his friend Anil were assaulted with kick and fist blows. The informant called his brother Pravin. In the meantime, the accused went away in their car. The informant and his friend tried to find them. They reached near a hotel. They saw the car. They went inside the hotel and asked for return of the chain from the accused who were in the hotel. But again they were assaulted. Therefore, the informant came back. Thus the FIR was lodged for loss of gold chain worth Rs.20,000/- and for beating given to the informant and his friend.

4. Learned Counsel for the applicant submitted that

there was a cross FIR registered against the informant's group vide C.R. No.382/2020 registered at the same police station under Section 395 of IPC. Subsequently, section 326 of IPC was added. The FIR was lodged by the applicant's friend Shivaji Shinge in respect of the same incident. In that FIR, the allegations were made that because of some parking issue the applicant and his group were assaulted by the other group. Shivaji's gold chain weighing two tolas and Rs.15,400/- were forcibly taken away. He was assaulted causing fracture of his right hand. On this basis, the FIR was lodged.

5. He submitted that thus the applicant is falsely implicated and, therefore, custodial interrogation is not justified.

6. Learned A.P.P., on instructions, stated that the informant's group in the present C.R. No.384/2020 against the present applicant has not suffered any grievous injury. All the injuries were simple. However, she opposed the bail application on the ground that the informant's chain was forcibly taken away.

7. I have considered these submissions. It is case of FIR and cross-FIR. In the cross FIR lodged on behalf of the applicant's friend, Section 326 of IPC is added because Shivaji Shinge has suffered fracture of his hand. There are also allegations of taking away Shivaji's gold chain forcibly by the informant's group in this application. Thus there appears to be some exaggeration on part of both the groups.

8. In the FIR against the present applicant, no specific overt act is mentioned as far as the present applicant is concerned perhaps because he was not known to the informant's group. However, the allegations pertain only taking away of gold chain worth Rs.20,000/- and of causing simple injuries. In this background of all allegations and counter allegations and considering the nature of injuries suffered by the informant's group, 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.384/2020 registered with Vadgaon Police Station, 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.)

Deshmane (PS)