

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

ANTICIPATORY BAIL APPLICATION NO.1649 OF 2021

Shankar Umaji Bodare & Anr.

.... Applicants

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Mr.Rahul S. Kate, Advocate for Applicants.
- Mr.Ajay Patil, APP for the State/Respondent No.1.
- Mr.Rupesh Zade, Advocate for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 20th SEPTEMBER, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.170/2021 dated 25/05/2021 registered with Natepute Police Station, under sections 307, 120-B, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code r/w 135 of Maharashtra Police Act.

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2. The FIR is lodged by one Balasaheb Kadam. He has stated that he had purchased land at Kadamvasti, at Gat

No.8461 admeasuring 1.5 acre. It is alleged in the FIR that after the deal, the Applicant No.2 Narayan Lala Jadhav started making complaint against the first informant and was harassing him. The incident, which is the subject matter of the FIR, had taken place on 24/05/2021 at about 01.00 p.m. It is alleged that one Amol Jadhav was keeping watch on the informant's movement. He was followed by four persons on two motorcycles. The informant was knowing only Akshay Manik Gore from that group. He was carrying an axe and the others were carrying sticks. They assaulted the first informant. It is alleged that Akshay assaulted him with axe on right leg, thigh etc. The informant suffered injuries on his left hand, when he was trying to ward off the blow. It is alleged that Akshay said that the Applicant No.2 Narayan had sent them. After the assault they went away. The FIR was lodged.

3. Heard Mr.Rahul S. Kate, learned counsel for Applicants, Mr.Ajay Patil, learned APP for the State and Mr.Rupesh Zade, learned counsel for Respondent No.2.

4. Learned counsel for the Applicants invited my attention to the order dated 04/08/2021 passed by this Court (Coram : Bharati Dangre, J.). Vide that order interim protection was granted to the Applicants. It was specifically observed that custodial interrogation was not warranted.
5. Learned APP relied on the medical papers and statements of witnesses.
6. I have considered these submissions. The first informant has suffered fracture of right leg and left forearm. The other injuries are simple. All these injuries are attributed to Akshay. Admittedly, Applicant No.2 was not present on the spot. The allegations against him are vague. It was observed so in the earlier order granting him interim relief.
7. As far as Applicant No.1 is concerned, the prosecution has made allegations against him based on the statement of co-

accused Amol. In that statement only a minor role is attributed to the present Applicant No.1. The other eyewitnesses also have not named the Applicant No.1. Therefore considering the view taken in the earlier order, their custodial interrogation is not necessary. The interim order can be made absolute.

8. Learned APP submitted that the Applicants have not attended the concerned police station as directed. Therefore they are directed to attend the concerned police station as and when called. If they do not cooperate, then State is at liberty to make an application for cancellation of this order.

9. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.170/2021 dated 25/05/2021 registered with Natepute Police Station, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/-

(Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.

- (ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)