

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

**ANTICIPATORY BAIL APPLICATION NO. 1977 OF 2021
WITH
INTERIM APPLICATION NO. 2085 OF 2021**

Shri Subhash Namdeo Survase ...Applicant
VS.
The State of Maharashtra ...Respondent

Mr.Umesh R. Mankapure for Applicant
Mr.Makarand Kale i/b. Samadhan Kashid for Intervener.
Smt.A.A. Takalkar, APP for the State.
Mr.Prashant T. Hule, API, Sangola Police Station, Solapur.

CORAM : BHARATI DANGRE, J.

DATED : 2 SEPTEMBER 2021

P.C. :

The Applicant is seeking protection from arrest being arraigned as an accused in C.R.No. 780/2021 registered with Sangola Police Station, District Solapur, which invoke Sections 307, 364, 504, 506, 427, 143, 147, 148, 149 of IPC.

Heard learned Counsel for the Applicant and learned Counsel for the complainant, who has filed an application for intervention seeking his intervention and who vehemently oppose the application. I have also heard learned APP for the State.

2 Learned APP do not dispute the submission of learned Counsel for the Applicant that on the date on which the incident is alleged to have taken place, i.e. on 20 June 2021, when it is

alleged that the other accused persons arrived in a vehicle which belong to the Applicant and threatened the complainant as well as his associates who had visited a hotel for lunch. There is no mention of the presence of the Applicant on the spot. The allegation is that the complainant and his brother Rahul were dragged and made to sit in the Innova car with the assailants and another Fortuner vehicle carried the complainant and his brother to a field where they were assaulted.

3 In the backdrop, the complainant has stated that he had borrowed money from his friend Dinu @ Vinod Dhokate and though he has repaid some of the amount, the entire amount was not repaid and on this count, it is alleged that he was being harassed for payment of interest and he had lodged a complaint against the person in the month of May 2021, but it is alleged that the present Applicant had forced him to withdraw the said complaint.

Another incident in the day which is alleged to have taken place and referred to in the FIR also do not speak of the presence of the Applicant on the spot.

The Applicant, no doubt, has sustained serious injuries but the same are attributed to the Applicant only by invoking Section 120-B, i.e. hatching conspiracy to commit the offence.

Learned APP is not able to point out any material to that effect. In the past if there were some threats given by the Applicant, in the absence of actual participation in the incident

which prompted the Investigating Agency to invoke Section 307 along with provisions pertaining to common object being shared by the persons who were present at the incident, the Applicant cannot be roped in the alleged incident. However, since now Section 120-B has been invoked in the said CR, if the material is brought on record to demonstrate that the Applicant was active in the criminal conspiracy which resulted into the alleged incident, he will have to face consequences.

4 On perusal of the accusations faced by the Applicant in the complaint, at this stage, no custodial interrogation is warranted. Therefore, he deserves a protection subject to stipulation that he will render all his co-operation in the investigation and in no way put pressure on the complainant and upon such accusations being levelled in future, his liberty shall be curtailed.

5 Hence, the following order :-

O R D E R

(a) In the event of his arrest, the Applicant - Subhash Namdeo Survase in connection with C.R.No.780/2021 registered with Sangola Police Station, District Solapur shall be released on bail on furnishing P.R. bond to the extent of Rs.20,000/- with one or two sureties of the like amount.

(b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(c) The Applicant shall report to the Police Station on every Monday between 10.00 am to 2.00 p.m for a period of two weeks and thereafter as and when called for and render all his co-operation to the Investigating Officer.

6 The anticipatory bail application is allowed in the aforesaid terms.

7 In view of the disposal of the anticipatory bail application, the interim application does not survive and the same is disposed of.

(SMT. BHARATI DANGRE, J.)