

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

ANTICIPATORY BAIL APPLICATION NO.1379 OF 2019

Dattu @ Dattatray Gulab Gaikwad Applicant
Versus
The State of Maharashtra Respondent

Mr. Mohan B. Jadhav, Advocate a/w. Vaibhav R. Gargade, for
the Applicant.

Mr. H.J. Dedhia, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 23rd FEBRUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.324/2019 registered at Daund Police Station, Pune on 1.6.2019, under Sections 326, 323, 504, 506 read with 34 of the Indian Penal Code.

2. This matter is pending since 2019 and the Applicant is on interim protection since 4.7.2019 pursuant to the order passed by this Court.

3. Heard Shri Mohan Jadhav, learned Counsel for the Applicant and Shri H.J. Dedhia, learned APP for the State.

4. The FIR is lodged by one Popat Gaikwad. He has stated that there was a dispute between the Applicant's group and the informant's group in respect of a common road, that had resulted in an incident dated 31.5.2019 at about 2:30 p.m.. At the time of incident, the Applicant's group accosted the first informant. A quarrel ensued. It is alleged that the Applicant, Dattu and his son Amit beat him with kick and fist blows and pushed him on the ground. After that the Applicant's other son Sumit gave a blow with iron pipe on his thigh causing fracture. Thereafter the Applicant's group left the spot. On this basis, the FIR is lodged.

5. The FIR itself shows that the Applicant had only pushed the informant and had beaten him with kick and fist blows. Thereafter Sumit acted on his own and there was no common intention. The incident was a result of a quarrel. Therefore, at this stage, common intention against the present Applicant cannot be inferred.

6. Considering the lesser role played by the Applicant and also taking into account the fact that the Applicant is on

interim protection since 4.7.2019, I do not see any propriety in permitting custodial interrogation of the present Applicant in the background of this particular case. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.324/2019 registered at Daund 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) Anticipatory Bail Application stands disposed of accordingly.

Digitally
signed by
Pradeepkumar
P. Deshmane
Date:
2021.02.25
18:26:45
+0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)