

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

ANTICIPATORY BAIL APPLICATION NO. 2306 OF 2021

Kantilal Rambhau Awale Applicant
Versus
The State of Maharashtra Respondent

Mr. Ranjeet M. Pawar for Applicant.
Smt. Veera Shinde, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 27th SEPTEMBER, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 502 of 2021 registered at Baramati Police Station, Dist. Pune, on 26/08/2021, under sections 324, 323, 327, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').
2. Heard Shri. Ranjeet Pawar, learned counsel for the applicant and Smt. Veera Shinde, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is lodged by one Yogesh Awale. He has stated that, about 15 days before the incident dated 25/08/2021 there was some quarrel

of the informant with his neighbour Dattatraya Awale and his family. On the date of incident at about 9:00a.m., the applicant along with other co-accused, his son Sanjay, Nitin and Dattatraya came near the first informant. Sanjay and Dattatraya were having iron rods and the others were having sticks. They started abusing and assaulting the first informant. During the assault, they snatched his chain and went away. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant invited my attention to the cross F.I.R. lodged by the applicant's son Sanjay on 25/08/2021 vide C.R.No.499 of 2021 u/s. 323, 324, 327, 504 and 506 r/w. 34 of the IPC. In that F.I.R. he has given his version, wherein, it is alleged that the first informant in this case Yogesh Awale and three others assaulted him with iron rods, sticks, kicks and fist blows. It is also alleged that, in that incident the accused therein had snatched his golden chain. Learned counsel for the applicant submitted that, therefore, the informant Yogesh Awale has lodged this false F.I.R. against the present applicant as a counter blast.

5. Learned APP produced investigation papers before me.

6. I have considered these submissions and I have perused the investigation papers. The informant Yogesh has suffered following three injuries :

. C.L.W. over vertex of scalp – head of 2 x 2 x 1cm.

. Blunt trauma on chest and left hip.

7. All these injuries are described as simple injuries. There is a case and cross case. In both F.I.Rs. the story is almost identical. The allegations are made by both the parties that other party had snatched golden chain. Therefore, at this stage, it is difficult to believe the prosecution story, at least in this case in which the F.I.R. is lodged subsequently. In this view of the matter, custodial interrogation of the applicant is not justified. He can be protected by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 502 of 2021 registered at Baramati Police Station, Dist. Pune, the applicant is

directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)