

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

ANTICIPATORY BAIL APPLICATION NO. 2330 OF 2021

1. Pravin Dnyandeo Atole	
2. Yogesh Bapurao Awale	 Applicants
v/s.	
The State of Maharashtra	 Respondent

Mr. Rahul S. Kate for the Applicants.
Mr. Ajay Patil, APP for the State.

CORAM: SARANG V. KOTWAL, J.

DATED : 30th SEPTEMBER, 2021.

P. C. :-

1. The Applicants are seeking Anticipatory Bail in connection with C.R.No.499/2021 registered with Baramati Taluka Police Station, Pune for offences punishable under sections 323, 324, 327, 504, 506 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Rahul S. Kate, learned counsel for the Applicants and Mr. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'FIR') is lodged by one Sanjay Awale on 25/08/2021. He has stated that there was some dispute between the Applicant No.2 – Yogesh and informant's father one month prior to the incident regarding some repair work of a road.

On 25/08/2021, at about 09:15 a.m., the accused including the present Applicants came near Sanjay in a four wheeler. They were carrying sticks and rods. The Applicant No.2 stopped him and started abusing him. He gave a blow of stick on his back. The Applicant No.1 gave a blow of iron rod on his left arm. The accused snatched a gold chain weighing 3.5 tola and they went away. On this basis, the FIR is lodged.

4. Mr. Rahul Kate, learned counsel for the Applicant submitted that the Applicants are falsely implicated. The Applicant No.2 has lodged his own FIR vide C.R.No.502/2021 at the same police station for offences under section 323, 324, 327, 504, 506 r/w. 34 of the Indian Penal Code. He submitted that in that incident, the Applicant No.2 – Yogesh was assaulted by the first informant Sanjay in this case with iron rod and sticks. He submitted that there are case and cross-case. The Applicants are falsely implicated and the FIR against them is lodged earlier to save themselves from the imminent FIR which was lodged by Yogesh.

5. Learned APP submitted the investigation papers before me which contained injury certificate of the first informant – Sanjay in this case.

6. I have considered these submissions and I have perused the injury

certificate in particular. Sanjay has suffered three contusions on left shoulder, back and left arm. All the injuries are described as simple injuries. Both the parties are alleging that their gold chains are snatched. It is difficult to observe as to who is telling the truth. However, looking at the nature of the allegations and injuries, custodial interrogation of the Applicants is not necessary. They can be protected by an order of Anticipatory Bail. Hence, the following order :-

(a) In the event of their arrest in connection with C.R.No.499/2021 registered with Baramati Taluka Police Station, Pune, the Applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.

(b) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

(c) Application stands disposed of accordingly.

**PREETI
H JAYANI**

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PREETI H JAYANI
Date: 2021.10.01
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(SARANG V. KOTWAL, J.)