

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.127 OF 2022

Sunny Balbhim Pawar

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr. Debajyoti Talukdar for the Applicant.

Mr. A.R. Kapadnis, APP for the Respondent-State.

Mr. Akshay Sonawane, API, Phaltan Rural Police Station, District-Satara.

CORAM : C.V. BHADANG, J.

DATE : 16 FEBRUARY 2022

P.C.

. The Applicant, apprehending arrest, in connection with the investigation of Crime No.398 of 2021 registered with Phaltan Rural Police Station, District-Satara under Section 307, 326, 143, 147, 149, and 506 of the Indian Penal Code is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint lodged by Kumar Dharma Pawar on 4 September 2021. According to the informant on 29 August 2021 at about 9.00 a.m. there was a dispute between Yogesh Pawar and Sagar Pawar on account of a dispute as to a right of way. The first informant asked Sagar Pawar and Yogesh Pawar not to fight as

Yogesh Pawar was willing to give the right of way. Aggrieved by this the first informant was threatened by Sagar Pawar. On the same day at 10.30 p.m., it is alleged that when the first informant was in front of his house the co-accused Budhbhushan Pawar fired two shots at him from a pistol. However, the first informant managed to save himself insofar as the other co-accused are concerned, is that the informant was assaulted by Sagar Pawar on his back and Subhash Pawar assaulted him with an iron rod. The FIR is lodged on 4 September 2021. Insofar as the present Applicant is concerned the allegation is that he assaulted the first informant by a stone on his head.

3. I have heard the learned counsel for the parties.

4. In this case there are in all eight accused. It appears that there is a counter FIR lodged by the accused Sagar Pawar on the basis of which an offence at Crime No.400 of 2021 is registered against the first informant and others under Section 307, 324, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.

5. *Prima facie* it appears that the incident has happened on account of the dispute as to right of way between Yogesh Pawar and Sagar Pawar and there are counter FIR's registered by the parties against each other.

6. I have gone through the case diary and all the eye witnesses have attributed only an assault by a stone to the present Applicant. It is undisputed that out of the eight accused except the present Applicant the others have been released on bail. Even so far as the accused Budhabushan Pawar is concerned who alleged to have fired a pistol at the informant, has been granted anticipatory bail by the learned Sessions Judge by order dated 10 February 2022 in Criminal Bail Application No.15 of 2022.

7. I have also gone through the injury report of the first informant which *prima facie* does not show any injury on the head, inasmuch as the role attributed to the Applicant an assault on head by stone.

8. Considering the over all circumstances, the following order is passed.

ORDER

(i) In the event of his arrest in connection with investigation of Crime No.398 of 2021 registered with Phalatan Rural Police Station, District-Satara, the applicant shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties in the like amount.

(ii) The applicant shall report to the Investigating Officer on 21 and 22 February 2022 between 11.00 am to 1.00 p.m. and as and when called by the investigating officer and shall co-operate with the Investigating Agency.

(iii) The applicant shall not contact/influence or threaten or pressurize the complainant or otherwise tamper with the prosecution evidence/witnesses.

(iv) The Applicant shall not leave jurisdiction of the concerned Police Station without prior intimation/permission of the Investigating Officer until conclusion of the investigation.

(v) In the event of breach of any of the conditions, the bail is liable to be cancelled.

C.V. BHADANG, J.