

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

ANTICIPATORY BAIL APPLICATION NO. 185 OF 2022

Laxman @ Bala Sakharam Naik
and Ors.

..Applicants

V/s.

The State of Maharashtra

..Respondent

Mr. Chaitanya Pendse a/w Ms. Siddhi Bhosale for the Applicants.
Mr. S.R. Agarkar, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

**DATE : 25 JANUARY 2022
(Through Video Conferencing)**

P.C.

1. The Applicants, apprehending their arrest in connection with the investigation of Crime No.2 of 2022 of Police Station Dodamarg, District – Sindhudurg under Section 307, 324, 323, 143, 144, 147, 148, 149, 188, 427, 504 and 506 of IPC and Section 37(1)(a) and 135 of the Maharashtra Police Act, 1951, are seeking anticipatory bail.

2. The aforesaid offence is registered on the basis of the complaint lodged by Pravin Anant Nadkarni. According to the informant, his elder brother Eknath Nadkarni stays at Mauje

Fondye Taluka Dogamarg, District Sindhudurg. On 02.01.2022 at about 7.00 pm his nephew Rohit Nadkarni, son of Eknath Nadkarni telephonically informed him that there is a quarrel between Eknath Nadkarni and Shailesh Dalvi and others. Hence, the informant accompanied Rohit Nadkarni to Dodamarg Police Station and it is said that the dispute was resolved with the assistance of the office bearers of the political party, to which all of them belong. After this at about 10.20 p.m., the informant along with Rohit Nadkarni left Dodamarg Police Station and when they were waiting at S.T. stand for Eknath Nadkarni to come, Chetan Chavan, Bala Naik, Parashar Sawant, Shailesh Dalvi, Pravin Gavas and 10 to 12 others came there, armed with sticks and stones and the informant was abused and threatened with life. It is the material prosecution case that the informant was assaulted by a stick on his head by one of the assailants, as a result of which, the informant fell down. The informant then managed to rush to his vehicle, when all the assailants damaged the windshield of the car. The informant was taken to the Government hospital at Dodamarg, where his CT scan was conducted. On the basis of such report, the offence came to be registered which is under investigation.

3. I have heard the learned counsel for the Applicants and the learned APP. With the assistance of the learned counsel for the

parties, I have gone through the FIR and the medical report of the informant.

4. Prima facie it appears that the informant has not named the actual assailant, who had assaulted him on the head. I have also gone through the statement of Rohit Nadkarni and he also does not state about the actual assailant. The medical report of the injured shows that he had suffered simple injuries. Even the report of the C.T. scan shows that there was no significant trauma related to intra cranial abnormality except soft tissue swelling.

5. Considering the over all circumstance, I do not find that custodial interrogation of the Applicants would be necessary. The Applicants can be protected subject to the Applicants joining the investigation.

6. Hence, the following order is passed:

ORDER

(i) The Criminal application is allowed.

(ii) In the event of their arrest, in connection with the investigation of Crime No. 2 of 2022 registered with Dodamarg Police Station, Dist. Sindhudurg, the applicants be released on bail on executing a PR Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.

(iii) The applicants shall report to the Investigating Officer on 3rd and 4th February 2022 between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.

(iv) The applicants shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

(v) Criminal application is disposed of accordingly.

(C.V. BHADANG, J.)