

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

CRI. ANTICIPATORY BAIL APPLICATION NO. 208 OF 2022

Pandurang Mahadev Chavan	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr. Abhay A. Jadhavar, for the Applicant.
Mr. S. R. Agarkar, APP for the Respondent / State.

**CORAM : C.V. BHADANG, J.
DATE : 1 FEBRUARY 2022
(Through Video Conferencing)**

P.C.

. By this Application, the Applicant – Accused No.2, apprehending arrest in connection with investigation of Crime No. 428/2021 of Police Station Vairag, District Solapur (Rural), under Section 326, 323 and 504 r/w. Section 34 of IPC and Section 4/25 of the Indian Arms Act, is seeking anticipatory bail. It appears that during the course of investigation, the offence under Section 307 of IPC was added.

2. The aforesaid crime is registered on the basis of the complaint dated 30 August 2021 lodged by Aslam Khalil Shaikh. He states

that on 29 August 2021, at about 10.00 p.m. when he was returning home, the Applicant alongwith co-accused Bapu Chavan and Dinesh Bapu Chavan intercepted him. Accused Dinesh Chavan accosted him as to why he (the informant) is speaking with Kishor Nandkumar Sawant who is at cross terms with him. Saying this, the informant was abused. It is the material allegation that Accused Bapu Chavan and the present Applicant were holding swords while Accused Dinesh Chavan was having a wooden stick. The co-accused Bapu Chavan made an attempt to assault him by sword, when the informant tried to ward off the same in which he sustained an injury to the thumb of his left hand. In so far as the present Applicant is concerned, the only allegation is that he assaulted the informant on the head by fist blows. A perusal of the injury certificate shows that the informant had sustained a simple injury. *Prima facie*, it appears that the only allegation against the Applicant is that of assault by fist blow by the hand. The investigation in this case is complete and the chargesheet is filed.

3. Learned APP pointed out that two swords have already been recovered and there is no further recovery to be made. He states that in the circumstances of the present case, appropriate orders be passed. In the result, the following order is passed.

ORDER

- (i) In the event of his arrest in connection with investigation of Crime No. 428/2021 of Police Station Vairag, District Solapur (Rural), he 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 attend the Investigating Officer on 7/2/2022 and 8/2/2022 between 11.00 a.m. to 1.00 p.m. and as and when required.
- (iii) The Applicant shall cooperate with the Investigating Agency and shall not tamper with the prosecution evidence / witnesses.
- (iv) The Criminal Application is disposed of, in the aforesaid terms.

C.V. BHADANG, J.