

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

ANTICIPATORY BAIL APPLICATION NO. 588 OF 2022

Jalindar Vithoba Gavade

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Jaydeep Mane for the Applicants.

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

Mr. Sharad Bhosale for the intervenor.

API Rajkumar Dunage, Mohol Police Station present.

CORAM : C.V. BHADANG, J.

DATE : 3 MARCH 2022

P.C.

1. The Applicant, apprehending his arrest, in connection with the investigation of Crime No. 1046 of 2021 registered with Mohol Police Station, Dist. Solapur under Section 302, 323, 143, 147, 148, 149, 504 and 506 of IPC, is seeking anticipatory bail.
2. The aforesaid crime is registered on the basis of the complaint dated 26.11.2021 lodged by Anil Ghodke.
3. I have heard the learned counsel for the parties.

4. It appears that there is a cross complaint lodged by Akshay Yedke, on the basis of which, Crime No. 1051 of 2021 is registered against Sangram Ghodake and others under Section 307, 324, 504, 143, 147, 148, 149 of IPC.

5. Insofar as the present crime is concerned, I have gone through the complaint lodged by Anil Ghodke. It appears that insofar as the present Applicant is concerned, the allegation is that he had instigated the co-accused Santosh Yedke, Rohan Yedke and Arun Gavde to kill the deceased Sunil Gorakhnath Ghodke. The FIR shows that the co-accused Santosh Yedke and Rohan Yedke had caught hold of Sunil Ghodke and it was co-accused Arun, who had assaulted the deceased on the head by a spade (*Tikao*). It appears that there is a long standing civil dispute between the parties.

5. The learned counsel for the Applicant states that co-accused Santosh Yedke and Rohan Yedke have been arrested and have been released on regular bail. Looking to the limited role attributed to the Applicant and the fact that he is stated to be 75 years of age and ailing, I find that protection can be granted to the Applicant, subject to conditions.

6. Hence, the following order is passed:

ORDER

i) In the event of his arrest, in connection with the investigation of Crime No. 1046 of 2021 registered with Mohol Police Station, Dist. Solapur, the Applicant **Jalindar Vithoba Gavade**, shall be released on bail on executing a PR 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 14 and 15 March 2022 between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.

iii) The Applicant shall co-operate 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.)