

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1417 OF 2022

1. Jitendra Sharanappa Birajdar
2. Irranna Ramesh Rasure ... Applicants

Versus

The State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 1418 OF 2022

1. Shrishail Gurubai Birajdar
2. Nagnath Mahadev Dindure ... Applicants

Versus

The State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 1865 OF 2022

Nagnath Gurubai Birajdar ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Viresh Purwant for the Applicants in ABA-1417-2022, ABA-1418-2022 and ABA-1865-2022.

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

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CORAM : N.R. BORKAR, J.

DATED : 14 NOVEMBER 2022

P.C. :-

. All these applications are filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The learned Counsel for the applicants submits that during the pendency of the present applications, the applicant No.1 – Jitendra Sharanappa Birajdar in Anticipatory Bail Application No.1417 of 2022 has expired. The said application qua Jitendra Birajdar is dismissed.

3. The applicants are apprehending their arrest in Crime No. 245 of 2022 registered at Sadar Bazar Police Station, Solapur for the offences punishable under Sections 143, 147, 323, 327, 504, 506 of Indian Penal Code.

4. It is the case of the prosecution that there was an election of patsanstha and the complainant was one of the candidates in the said election. It is alleged that present applicants were also contesting the said election. It is alleged that on 18th April 2022 the present applicants assaulted the complainant by fist and kick blows as according to them the said elections were being held due to initiative of the complainant.

5. I have heard the learned Counsel for the applicants and the learned APP for the State.

6. This Court by order dated 15th June 2022 granted interim anticipatory bail to the applicants.

7. In relation to the same incident there appears to be cross FIR No.192 of 2022 for the offence punishable under Sections 363, 384, 143, 147, 148, 149, 323, 504, 506 against the complainant.

8. Prima facie there appears to be political rivalry between the parties. Nothing is to be recovered from the applicants and therefore their custodial interrogation is not necessary. Considering these facts, I am inclined to grant anticipatory bail to the present applicants. In the result, the following order is passed :

(i) Applications are allowed.

(ii) In the event of arrest of the applicants in C.R. No.245 of 2022 registered with Sadar Bazar Police Station, Solapur, they shall be released on bail on executing P.R. Bond in the sum of Rs.20,000/- each with one or two sureties in the like amount.

(iii) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

(N.R. BORKAR, J.)