

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

ANTICIPATORY BAIL APPLICATION NO. 2970 OF 2022

Shrikant Vilas Giri

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Ms. M. S. Mohite, Senior Advocate with Mr. Ashish Sawant i/b. Mr. Tejas Jadhavar for the Applicant.

Ms. M. M. Deshmukh, APP for the State.

.....

CORAM : N.R. BORKAR, J.

DATED : 20th OCTOBER, 2022.

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.38 of 2020 registered at Barshi Taluka Police Station for the offences punishable under Sections 307, 120-B, 504, 143, 147, 148, 149 read with Section 34 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, 1951.
3. The complainant and the accused are relatives. It is the case of the prosecution that there was dispute between the parties in relation to the agricultural field and civil suit was pending. It is alleged that on 04 February, 2020 at about 06.30 p.m., the present

applicant along with the other co-accused formed an unlawful assembly and assaulted the complainant Divyanshu Giri and his father Pradip Giri on account of the said dispute.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. Initially an anticipatory bail application was filed and the present applicant was protected by this Court. During the pendency of the said application, in view of filing of the charge-sheet, this Court permitted the applicant to withdraw the said anticipatory bail application and to file a fresh application before the Sessions Court. The Sessions Court rejected the anticipatory bail application. The learned senior counsel for the applicant submits that applicant is serving as Police Constable. It is submitted that in view of the dispute, possibility of false implication can not be ruled out. It is submitted that as the investigation is over and the charge-sheet is filed, custodial interrogation of the present applicant is not necessary. It is thus submitted that applicant may be released on anticipatory bail.

6. On the other hand, the learned APP submits that the present applicant is involved in a serious offence of attempt to commit murder. It is submitted that the applicant has assaulted the father of the complainant by an iron rod. The learned APP submits that

considering the nature of the offences, the applicant may not be released on anticipatory bail.

7. I have perused the First Information Report. FIR itself shows that there was dispute between the parties in relation to agricultural land and even civil suit was pending. It appears that even women members of the family of the applicant are made accused. Therefore, prima facie the exaggeration of incident cannot be ruled out. Applicant is serving as Police Constable. If he is arrested, it would adversely affect his service career. If ultimately he is found to be guilty, he will suffer the consequences. However, in view of filing of the charge-sheet, custodial interrogation of the present applicant is not necessary. Considering these facts, I am inclined to grant anticipatory bail to the present applicant. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant-Shrikant Vilas Giri in connection with Crime No.38 of 2020 registered at Barshi Taluka Police Station for the offences punishable under Sections 307, 120-B, 504, 143, 147, 148, 149 read with Section 34 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two

sureties in the like amount.

(iii) The applicant shall not give threat or inducement to the prosecution witnesses.

(N.R. BORKAR, J.)