

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI. ANTICIPATORY BAIL APPLICATION NO. 211 OF 2022

Baljeetsingh Bablusingh Tak	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr. Tare–Patil a/w. Mr. Anup A. Lahoti, for the Applicant.
Mr. R. M. Pethe, APP for the Respondent / State.

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CORAM : C.V. BHADANG, J.
DATE : 27 JANUARY 2022
(Through Video Conferencing)

P.C.

. The Applicant, apprehending arrest, in Crime No.845/2020 of Police Station Hadapsar, District Pune, under Section 394, 397 r/w. 34 of IPC and Section 4/25 of the Arms Act and Section 37(1) r/w. 135 of the Maharashtra Police Act, is seeking anticipatory bail.

2. The prosecution case is that, on 4 May 2020, at about 9.00 p.m., the injured Kundan Raju Mane and his maternal cousin brother Vishal Mane had gone for a walk to Gliding Centre. When both of them were attacked and assaulted by the Applicant and co-accused at Shivsonai Building, Colony No.3, Pragati Nagar,

Fursungi, Hadapsar, Pune, by swords etc. It is said that in the incident, co-accused Bablusingh Tak had snatched a gold chain weighing 50 gms from Kundan Mane. In so far as the present Applicant is concerned, he assaulted by sword and thereafter hit the injured Kundan with a cement block. When Vishal Mane tried to intervene, Bablusingh assaulted him on the right hand by a sword. On the basis of a complaint lodged, the offence came to be registered and after investigation, the chargesheet is filed against the co-accused Bablusingh and Rutik Kangada. In so far as the present Applicant is concerned, the chargesheet is filed under Section 299 of Cr.P.C. as he could not be arrested.

3. I have heard the learned counsel for the Applicant and the learned APP. Perused record.

4. It is submitted by the learned counsel for the Applicant that the Applicant has no complicity in the offence. It is submitted that the first informant has filed consent affidavits dated 5 August 2021 and 20 November 2021, before the learned Sessions Judge, in Sessions Case No.512/2020, stating that he is withdrawing all the allegations against the Applicant including the snatching of the gold chain. It is submitted that inspite of this, the learned Sessions Judge has chosen to reject the Application. He pointed out that the investigation is complete and the chargesheet is filed and the custody

of the Applicant is not necessary for the purpose of investigation. It is submitted that there is a business rivalry between the parties on account of breeding and selling of pigs in the open market. He submitted that both the co-accused have been released on bail.

5. Learned APP submitted that the offence is serious in which Kundan Mane and Vishal Mane were injured in an assault at a public place. He pointed out that there are specific allegations of an assault which are attributed to the Applicant and the Applicant was absconding and is not entitled to pre-arrest bail.

6. I have considered the submissions made. *Prima facie*, it appears that there are specific allegations of an overtact / assault attributed to the Applicant. The injured Vishal Mane has suffered grievous injuries including three fractures. In the incident, the gold chain is also alleged to be snatched. The Applicant was shown to be absconding and therefore, the chargesheet was filed against him under Section 299 of Cr.P.C. The learned Sessions Judge has rightly not accepted the so called settlement. The offence is not compoundable. That apart, the Sessions Judge has also noticed and rightly so, that there is one more injured namely Vishal Mane who was assaulted and there was no settlement with him. Considering the over all circumstances, I do not find that this is a fit case for

grant of pre-arrest bail. The Criminal Application is accordingly rejected.

C.V. BHADANG, J.