

Santosh

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

ANTICIPATORY BAIL APPLICATION NO. 1811 OF 2022

Bittu @ Praphulla Pansare ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Nitin Gaware Patil, for the Applicant.

Mrs. M. R. Tidke, APP for the State

CORAM: N. J. JAMADAR, J.

DATED : 6th JULY, 2022

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for pre-arrest bail in connection with CR No.344/2022, registered with Yavat Police Station, for the offences punishable under Sections 143, 147, 149, 307, 341 and 427 of the Indian Penal Code, 1860 ("the Penal Code").

3. Dattatray Shinde, who is posted as Police Constable at Hinjwadi Police Station lodged a report with the allegations that on 18th April, 2022 while he was travelling with his relatives from Daund to Pune, there was an altercation between the occupants of two vehicles, which had collided. The first informant pacified those persons. Applicant was one of them.

While the first informant reached near Patas, the applicant and his associates intercepted him. He was manhandled. The applicant allegedly charged upon Nitin Jamdade, an associate of first informant, armed with a big stone with intent to give a blow on Nitin Jamdade's head. The first informant kicked him. Thus a report was lodged.

4. The learned Counsel for the applicant submitted that the incident arose out of a road rage. Since the allegation is of attempt to assault the associate of the informant by means of stone, an offence punishable under Section 307 of the Penal Code is, *prima facie*, not made out. While releasing one of the co-accused on pre-arrest bail, this Court had noted that the injuries sustained by the first informant were of simple nature.

5. In the backdrop of the nature of the allegations and the fact that the allegation is of attempt to cause hurt by means of stone, custodial interrogation of the applicant does not seem warranted for an effective investigation. The genesis of the incident appears to be in a road rage. The incident has not occurred while the first informant was discharging official duty. The applicant also appears to have roots in society. The possibility of tampering with evidence and fleeing away from justice seems remote.

6. Hence, I am inclined to exercise the discretion in favour of the applicant.

7. Thus, the following order:

: O R D E R :

- (i) The application stands allowed.
- (ii) In the event of arrest of the applicant in CR No.344 of 2022, registered with Yawat Police Station, District Pune, he be released on bail on furnishing a P. R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- (iv) The applicant shall cooperate with the investigation and report to the Investigating Officer as and when directed.

[N. J. JAMADAR, J.]