

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1985 OF 2022**

Sanjay Sontakke] Applicant

Vs.

The State of Maharashtra] Respondent

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Mr. Ritesh Thobde a/w Mr. Sagar Tamebe, for Applicant.

Ms. Geeta P. Mulekar, A.P. P, for Respondent-State.

Mr. Sudhir G. Kharge, P.S.I, Mohol Police Station (Solapur Rural).

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED :1st August, 2022.

P.C.

1. This is an application seeking anticipatory bail as applicant apprehends that he is likely to be arrested by the respondent - Police Officer of Mohol Police Station, District - Solapur in connection with Crime No.492 of 2022, for the offences punishable under sections 327, 323, 427, 452, 143, 149, 504, 506 of the Indian Penal Code and under sections 3, 4 and 6 of the Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damages of Loss to Property) Act, 2010.
2. Crux of the matter is that the first informant, who is a Doctor by profession runs a Hospital at *Takali Sikandar*. His hospital is open for patients from 10.00 a.m to 9.00 p.m.
3. On 1st June, 2022, the informant received a phone call when he was out of station from one of the accused Atul Bansode that his

son is ill. Since the informant was out of station, he advised Atul Bansode to visit another Doctor for the treatment of his son.

4. However, on 2nd June, 2022, when the informant came to his hospital at about 10.00 a.m., he found lock of his hospital was broken. The officials informed the first informant that accused Atul Bansode along with some persons broke open the doors of the hospital by committing trespass and took away cash of Rs.8,000/- to 10,000/- from the counter. Even, wife of the informant was abused by the accused and had written some obscene words on their vehicle.

5. Again around 12.00' o clock at noon, Atul Bansode came to the hospital with 20 persons. He abused and assaulted the informant and his servants, pursuant to which, a report came to be lodged with respondent/Police Station.

6. I heard Mr. Thobde, learned Counsel for the applicant and the learned A.PP

7. Learned A.PP submits that rest of the accused have already been arrested and released on bail. A perusal of the First Information Report does not indicate any overt act attributable to the present applicant, who appears to be one of the members of the so-called unlawful assembly alleged to have trespassed and voluntarily caused hurt to the informant to extort some amount from his Hospital. It is not even contention of the prosecution that custodial interrogation of the applicant is required in order to recover something from him. *Prima facie*, no motive can be attributed to the applicant as it was Atul Bansode, who appears to have some grudge against the first informant.

8. Considering the aforesaid aspects, I am inclined to protect liberty of the applicant against whom, according to the Investigating Officer, there are no antecedents also. Under such circumstances, following order is expedient;

[a] The applicant be released on executing a P.R bond in the sum of Rs.15,000/- with one surety in the like amount, in the event of his arrest in Crime No.492 of 2022 registered with Mohol Police Station, District Solapur for the offences punishable under sections 327, 323, 427, 452, 143, 149, 504, 506 of the Indian Penal Code and under sections 3, 4 and 6 of Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damages or Loss to Property) Act, 2010;

[b] The applicant shall report the Investigating Officer, as and when summoned;

[c] The applicant shall not influence prosecution witnesses and shall not leave the jurisdiction of the Court without seeking prior permission.

9. Application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]