

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2749 OF 2021

Atul Anil Surve

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Shailesh Chavan with Sachin Arude for the Applicant.

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

PH Haribhau Nalawade, Manchar Police Station, Pune.

CORAM : C.V. BHADANG, J.

DATE : 16 MARCH 2022

P.C.

1. The Applicant, apprehending his arrest, in connection with the investigation of Crime No. 594 of 2021 registered with Manchar Police Station, Dist. Pune under Section 307, 323, 504, 506 read with Section 34 of IPC, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 23.10.2021 lodged by Dilip Kailash Totre, resident of village Karvandi, Taluka Ambegaon, District Pune.

3. According to the informant on 20.10.2021 at about 1.00 p.m., the co-accused Sudarshan Totre had illegally obtained an

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electric supply by taping on the electric supply line which incident was intimated to the Maharashtra State Electricity Distribution Company Limited (MSEDCL) by the informant at 3.00 p.m. After this when the informant along with his uncle Sitaram Totre were chitchatting in front of their house, the Applicant along with Sudarshan Totre and Nitin Surve went there. The accused Nitin Surve was having an axe with a wooden handle and he accosted the informant as to why he made a complaint about the taping of the electric line. Thereafter, the Applicant and the co-accused are alleged to have abused the informants, after which the accused Nitin Surve assaulted the complainant with the wooden handle of the axe on left leg. Insofar as the present Applicant and Sudarshan Totre are concerned, it is alleged that they lifted and dropped on the road, because of which the informant sustained injuries to his head and chest.

4. I have heard learned counsel for the parties.

5. A perusal of the FIR prima facie shows that the material allegation about the assault by the wooden handle of the axe is made against Nitin Surve. I have also perused the medical certificate of injured Dilip Totre which shows 4 simple injuries apart from one grievous injury in the form of fracture of tibia of the left leg.

6. Prima facie it can be seen that the grievous injury can be attributed to the assault by Nitin Surve. The learned counsel for the Applicant pointed out that the accused Sudarshan Totre and Nitin Surve were arrested and have been released on regular bail by the learned Sessions Judge. The learned APP submitted that the investigation is at a concluding stage and the chargesheet is likely to be filed shortly. Looking to the nature of the allegations against the Applicant, there is no recovery which can be contemplated against the Applicant.

7. In the result, the following order is passed:

ORDER

i) In the event of his arrest, in connection with the investigation of Crime No. 594 of 2021 registered with Machar Police Station, Dist. Pune, the Applicant **Atul Anil Surve** shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall report to the Investigating Officer on 21 March 2022 and 22 March 2022 between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.

iii) The Applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

iv) The criminal application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)