

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI. ANTICIPATORY BAIL APPLICATION NO. 2842 OF 2021

Abaso Sadashiv Bandgar ..Applicant
Vs.
The State of Maharashtra & Anr. ..Respondents

Mr. Prashant S. Hagare, for the Applicant.
Mr. Y. Y. Dabke, APP for the Respondent / State.
Mr. Ranjit H. Patil, for the Intervener.

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CORAM : C.V. BHADANG, J.
DATE : 16 FEBRUARY 2022

P.C.

. The Applicant – Accused No.2, apprehending arrest in connection with investigation of Crime No.250/2021 of Police Station Bigvan, Pune (Rural), under Section 307, 323, 324, 504 and 506 r/w. 34 of IPC and Section 25(3) of the Arms Act, 1959, is seeking anticipatory bail.

2. The aforesaid offence is registered on the basis of complaint lodged by Mohan Shivaji Bandgar who is cousin of the Applicant. It appears that there is a dispute as to the bandh in the fields of the

parties which are adjacent to each other. The incident is alleged to have happened on 8 October 2021 at about 4.00 p.m. in which the Applicant and his son Nagnath (Accused No.1) are alleged to have assaulted the first informant Mohan Bangar and Shivaji Bangar.

3. The learned counsel for the Applicant submitted that there is a counter FIR lodged by the Applicant against the first informant and others.

4. I have gone through the FIR and *prima facie* it appears that the material allegation about the assault, by sword, is made against the co-accused Kalyan Abaso Bandgar who has been released on regular bail by this Court by an order dated 16 December 2021 in Criminal Bail Application No.4035/2021. That apart, the learned counsel for the Applicant and the Respondent No.2 – Complainant states that they have filed an affidavit stating that they have settled the matter.

5. It is not necessary to go into the question whether the offence as disclosed can be privately settled by the parties. Even without taking recourse to any such affidavit filed *prima facie*, I find that the material allegation about the assault by sword is against the co-accused who has been released on bail. The investigation is at the concluding stage. The interim protection is operating in favour of

the Applicant since 9 December 2021. In that view of the matter, the following order is passed.

ORDER

- (i) In the event of his arrest, in connection with investigation of Crime No.250/2021 of Police Station Bigvan, Pune (Rural), the Applicant be released on bail on executing a P.R. 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 21/2/2022 and 22/2/2022 between 11.00 a.m. to 1.00 p.m. and as and when required and shall cooperate with the Investigating Agency.
- (iii) The Criminal Application is disposed of, in the aforesaid terms.

C.V. BHADANG, J.