

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

ANTICIPATORY BAIL APPLICATION NO. 746 OF 2023

1. Sachin Dattatraya Pisal
Age : 33 Years, Occu. : Agriculture
2. Amol Vitthal Kolape
Age : 30 Years, Occu. : Agriculture
3. Rahul Dada Pisal
Age : 30 Years, Occu. : Agriculture
All Residents of :-
Bhadali Kh. Taluka : Phaltan,
District : Satara. ...Applicants

vs.

1. The State of Maharashtra
2. Sr. Police Inspector,
Phaltan Rural Police Station,
Satara. ...Respondents

Mr.Tejesh Dande a/w Mr.Bharat Gadhavi a/w Mr.Pratik Sabrad i/b.
Mr.Rajendra Anbhule – Advocates for Applicant.
Mr.A.R.Kapadnis – APP for the Respondent No.1-State.
Mr.Prakash Adhikrao Khade–ASI–Phaltan Rulral Police Station-
Satara.

CORAM : S. M. MODAK, J.
DATE : 31st MARCH, 2023

P. C. :-

1. Heard learned Advocate for the Applicants and learned APP for
the Respondent-State. Officer is present.

2. They are seeking anticipatory bail in an offence registered at C.R. No. 133 of 2023 on 25th January, 2023 at Phaltan Police Station under Sections 326, 323, 504 read with 34 of the Indian Penal Code, 1860 [“IPC”]. The incident took place on 24th January, 2023 at about 3.00 p.m., in front of a shop of the First-Informant / injured Dhiraj Vishnu Sonwalkar. All these Applicants came there and they have abused him for the reason that the First-Informant is seeking information as per the provisions of the Right to Information Act, 2005 [“RTI Act”]. There are specific roles mentioned in the FIR. The Applicant Sachin assaulted him with one plastic rod of the spade, whereas, Applicant Amol assaulted him with the fist and the Applicant Rahul assaulted him with wooden rod. The neighbours Tushar Sonwalkar and Bapu Mane intervened. There was fracture to leg of the first informant.

3. Their Anticipatory Bail Application is rejected by the Court of Additional Sessions Judge. According to the Applicants, this is not the entire story of the incident but in fact, the Applicant Sachin was also assaulted by the present Applicant on the same date and more or less, at the same time. It is on 24th January, 2023 at about 2.30 p.m., in front of the shop of the First-Informant. The Applicant

Sachin was travelling from his car and First-Informant Dhiraj threatened him on account of his obstruction in the transaction of Grampanchayat. Dhiraj Sonwalkar also assisted the First-Informant in assaulting the present Applicant Sachin.

4. Applicant Sachin has visited the Phaltan Police Station and he was sent to hospital and he received injuries on his back. Even x-ray was obtained. There is no FIR registered on the complaint of Sachin immediately. Applicant Sachin complained to Sub-Divisional Police Officer – Phaltan on 4th February, 2023 and said written complaint was given on 7th February, 2023 and now, it is told that offence under Section 324 of IPC is registered.

5. The Applicant Sachin has also produced a copy of certificate issued by the Sub-District Hospital and issued by Tulsi Hospital.

6. According to learned APP, x-ray is obtained and it shows fracture to leg. Furthermore, my attention is invited to the statements of certain eye witnesses thereby corroborating the story stated by the First-Informant.

7. The Court of Additional Sessions Judge apart from merits, also considered one fact against the Applicants. It is in respect of lodging of NC complaint by Shantabai Vishnu Sonawalkar against these three

Applicants. They threatened her on 5th February, 2023 for withdrawing the complaint lodged by the First-Informant. She is the mother of the First-Informant Dhiraj.

8. From the above, one can very well say that the incident never happened entirely in the manner suggested by the First-Informant. But, there is also counter version and in it, the Applicant Sachin is also injured. From the certificate issued by the Sub-District Hospital, it is clear that he has mentioned the history of the assault on 24th January, 2023. No doubt, it is true that there was fracture to the leg of First-Informant and as such, it falls within the purview of Section 326 of IPC. However, in view of the fact that there is counter version, the story stated by the First-Informant also cannot be relied upon totally. Furthermore, it reveals that the weapons used in commission of offence were seized from the spot, it is mentioned in the crime detail form. If it is so, custodial interrogation of these Applicants is no required.

9. There is an additional circumstance about lodging of non cognizable complaint. However, this Court feels that repetition of such incident can be taken care by imposing certain conditions. So, this Court feels that anticipatory bail can be granted to all these

Applicants. Hence, order :-

O R D E R

- (i) Application is allowed.
- (ii) In case of arrest in connection with C.R.No. 133 of 2023 registered with Phaltan Rural Police Station - Satara under Sections 326, 323, 504 read with 34 of IPC, the Applicants be released on furnishing Personal Bond and Surety Bond of Rs.25,000/- each.
- (iii) They are directed to give attendance to Phaltan Rural Police Station - Satara on Monday from 10.00 to 12.00 noon till filing of charge sheet.
- (iv) The Applicants not to threaten the Prosecution witnesses or allure them in any manner.
- (v) They are permitted to enter the Phaltan Taluka only for the purpose of giving attendance.
- (vi) Till filing of charge-sheet, they should not enter the Phaltan Taluka except for giving attendance.
- (vii) They are directed to inform their alternate address of residence to the Police and to the trial Court.

10. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

11. Application is disposed of in the aforesaid terms.
12. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]