

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 992 OF 2023**

Gorakh Changdev Gund
v/s.
The State of Maharashtra

... Applicant
.... Respondent

**WITH
INTERIM APPLICATION NO. 1280 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 992 OF 2023**

Krushna Mahadev Sontakke

.... Intervenor

In the matter between :-

Gorakh Changdev Gund
v/s.
The State of Maharashtra

... Applicant
.... Respondent

Mr. Ritesh Thobde a/w. Mr. Changdev Shingade for the Applicant.
Mr. Shrikant Yadav, APP for the State.
Mr. Ashish Sawant for the Intervenor.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 06th APRIL, 2023.**

P. C. :-

. Interim Application is not on board. Upon mentioning, taken on board.

2. This is an Application under section 438 of Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.903/2022 registered with Karmala Police Station, Solapur Rural for offences punishable under sections 143, 147, 148, 307, 323, 324, 326, 504, 506 r/w. 149 of the Indian Penal Code.

3. Heard learned counsel for the Applicant, learned APP for the State and learned counsel for the Intervenor. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. The aforesaid crime was registered pursuant to the FIR lodged by Krishna Mahadev Sontakke. A perusal of the FIR prima facie reveals that on 26/12/2022, the co-accused had assaulted the first informant by iron pipes and sticks. The records indicate that the knee of the first informant has been fractured in the said incident and he had sustained grievous injuries. The FIR does not disclose the name of the Applicant. The only role attributed to the Applicant in the supplementary statement is that he had prevented the people who had gathered at the spot from intervening. The Applicant was not involved in inflicting any injury on the first informant.

5. Considering the role attributed to the Applicant, in my considered view, this is not a case which would justify custodial interrogation. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.903/2022 registered with Karmala Police Station, Solapur Rural, he shall be released on bail on furnishing bail

bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for two days i.e. on 11th and 12th April, 2023 between 11:00 a.m. to 02:00 p.m.

(c) The Applicant shall not interfere with the Complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The Application stands disposed of. Interim Application stands disposed of in view of disposal of Anticipatory Bail Application.

(SMT. ANUJA PRABHUDESSAI, J.)