

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

ANTICIPATORY BAIL APPLICATION NO.1095 OF 2023

Nagnath Balu @ Balasaheb Khatake
@ Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Viresh Purwant for the Applicant.

Mr. S.H. Yadav, APP for Respondent-State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th APRIL, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R. No.247 of 2019 registered with Akuj Police Station, District -Solapur for the offences punishable under Sections 147, 148, 323, 324, 327, 341, 427, 504 and 506 r/w 149 of the IPC.

2. Heard Mr. Viresh Purwant, learned counsel for the Applicant and Mr. Yadav, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Dattatray Dhavale. The facts narrated in the FIR prima facie reveal that on 10/06/2019 at about 5.30 p.m. the Applicant and others formed an unlawful assembly armed with weapons. They pulled the First Informant out of the vehicle and damaged the vehicle. It is alleged that the Applicant herein inflicted a blow of sickle on the head of the First Informant. The First Informant has stated that the incident occurred due to political rivalry. He has stated that he lost his gold chain in the said incident and one of the members of the unlawful assembly has taken away cash of Rs.50,000/-, which was with the witness-Balasaheb Dhavale.

4. The FIR does not disclose the essential ingredient of offence under Section 327 of the IPC. Learned APP states that the Applicant has co-operated with the investigation and that charge-sheet has been filed.

5. Considering the above facts this is not a case, which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions:

- (i) In the event of arrest of the Applicant in C.R. No.247 of 2019 registered with Akluj Police Station, District -Solapur, the Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the concerned Investigating Officer as and when required by the Investigating Officer;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner.
- (iv) 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.

(SMT. ANUJA PRABHUDESSAI, J.)