

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

ANTICIPATORY BAIL APPLICATION NO. 1586 OF 2023

Kuldipsinh @ Raju Vijaysinh Bayas Applicant
v/s.
The State of Maharashtra and anr. Respondents

Mr. Vinod U. Shinde for the Applicant.
Mr. S.V. Gavand, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 05th JUNE, 2023.

P. C. :-

1. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.318/2022 registered with Vairag Police Station, Taluka Barshi, Dist. Solapur for offences punishable under sections 143, 147, 148, 307, 326, 327 r/w. 149 of the Indian Penal Code and section 135 of Maharashtra Police Act.

2. Heard learned counsel for the Applicant and learned APP for the 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 Suhas Sarjerao Sawant. It is the case of the prosecution that on

12/06/2022 at about 07:00 p.m., the Applicant and others formed an unlawful assembly armed with deadly weapons and assaulted the first informant. It is stated that when Kishore Sawant, the brother of the first informant tried to intervene, the co-accused – Pradeep Jirange inflicted a blow of koyta (sickle) on his head and that the Applicant herein inflicted a blow of an axe on his head and that he sustained grievous injuries.

4. The medical records reveal that the injuries sustained by Kishore Sawant are simple in nature. The records also indicate that Anil Jirange had also lodged the FIR regarding the same incident pursuant to which C.R.No.317/2022 has been registered against the first informant for similar offences. It appears that there is dispute between the parties over fishing rights.

5. It is stated that the investigation is completed and charge sheet has been filed. Considering the nature of the accusations and the injuries sustained by Kishore Sawant and also considering the fact that both groups have suffered injuries of similar nature, 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.318/2022 registered with Vairag Police Station, Taluka

Barshi, Dist. Solapur, 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 07/06/2023 and 08/06/2023 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.

(SMT. ANUJA PRABHUDESSAI, J.)