

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

ANTICIPATORY BAIL APPLICATION NO. 1851 OF 2023

1. Dilip Parmeshwar Pawar	
2. Dipak Parmeshwar Pawar	... Applicants
v/s.	
The State of Maharashtra	 Respondent

Mr. Shailesh Chavan i/b. Mr. Ajinkya Sangitrao for the Applicants.
Ms. A.A. Takalkar, APP for the State.
Mr. Kuldeep Sontakke, PSI, Tembhurni Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 04th JULY, 2023.

P.C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.114/2023 registered at Tembhurni Police Station, Solapur for offences punishable under sections 143, 147, 323, 324, 326, 504, 506 r/w. 149 of the Indian Penal Code. Section 307 was subsequently added.

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 facts narrated in the FIR prima facie reveal that on

22/02/2023, at about 06:00 p.m., there was an altercation between Gautam Pawar, the brother of the first informant and Vishal. The FIR reveals that the initial altercation led to fight between the two groups. The allegations against the Applicants are that they had given blows of iron rod on the head of Tanaji and Gautam Pawar. The medical certificates reveal that the injuries sustained by Tanaji and Gautam Pawar are simple in nature.

4. It is stated that Suraj Pawar who is one of the accused in C.R.No.114/2023 has lodged a cross-complaint No.118/2023 pursuant to which crime is registered against the first informant and others. The records reveal that there was a free fight between both the groups in which both parties have sustained injuries. Considering the nature of the accusations and the material in support thereof, in my considered view, this is a fit case to exercise discretion under section 438 of Cr.P.C. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicants in C.R.No.114/2023 registered at Tembhurni Police Station, Solapur, they shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- each with one or two sureties

in the like amount ;

(b) The Applicants shall report to the Investigating Officer for two days i.e., on 07/07/2023 and 08/07/2023 between 11:00 a.m. to 02:00 p.m.

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

5. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)