

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.2081 OF 2023

Ganesh Babaso Jagdale	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Anand S Patil, for the Applicant.

Mr. Pandurang H Gaikwad, APP for the State-Respondent.

Mr. P. B. Patil, API, Wadgaon police station, Khalapur.

CORAM : AMIT BORKAR, J.

DATED : JULY 27, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.343 of 2023 registered with Vadgaon police station, Kolhapur for offences punishable under Sections 307, 323 r/w 34 of the Indian Penal Code, 1860 (for short 'IPC'), the applicant is seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.').

2. According to prosecution, the informant-Siddheshwari Sargeraon Mane resident of Budki Mala, Manenagar, Ambap, Taluka Hatkanangle lodged complaint to Vadgaon police station on 31 May 2023. According to him, she resides at given address with her family members. There is agricultural land Gat No.197 and 198 at Ambap near his house. There was a dispute about this land

between informant's family and applicant. There was a Tenancy Court decision in favor of informant. On 31 May 2023 at 4:00 pm Ganesh Jagdale entered into field with ten to twelve persons. Thereafter, the informant along with her husband and daughter went to field but those persons fled away. AT 4:15 pm her husband was removing the plantation done by those persons. That time, Namdev Mane came there with sickle. Dattatraya Mane with axe. They started assaulting her husband causing bleeding injury to him. She was also assaulted by the assailants. Tukaram Mane came there and beat her husband with fist and kick blows. Namdev assaulted her by sickle. Her daughter also sustained injuries. Her husband was taken to Kudalkar Hospital. Then she came to police station Vadgaon and lodged the complaint about the incident.

3. The applicant, therefore, filed application under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected by order dated 15 July 2023. Aggrieved thereby, the applicant have filed the present anticipatory bail application.

4. On perusal of the case papers, it appears no active role is attributed to the applicant. It *prima facie* appears that the applicant was not carrying any weapon. The alleged role attributed to the applicant is assault by fist and blows. Therefore, custodial interrogation of the applicant is not necessary. Hence, following order:

a) In the event of arrest in connection with C.R.No.343 of 2023 registered with Vadgaon police station, Kolhapur for offences punishable under Sections 307, 323 r/w 34 of IPC,

the applicant be released on bail on furnishing P.R. bond of Rs.15,000/-, along with one or two sureties in the like amount.

b) The applicant shall mark his attendance with the concern police station on 1st, 3rd and 5th August 2023 between 11:00 am to 2:00 pm and thereafter, as and when called by the investigating officer.

c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

5. The anticipatory bail application stands disposed of. No costs.

(AMIT BORKAR, J.)