

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

ANTICIPATORY BAIL APPLICATION NO. 2828 OF 2021

Pratap Sahebrao Waghmode	..Applicant
VS.	
The State of Maharashtra	..Respondent

Adv. Abhishek Arote a/w Adv. Ashish Kachde i/b Adv. Satyam Nimbalkar for the Applicant.

Mr. S. V. Gavand, APP for the State.

Nitin Madhukarrao Gholkar, API, Malshiras Police Station is present.

CORAM : M. S. KARNIK, J.
DATE : JANUARY 12, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for pre-arrest bail. The applicant is apprehending arrest in connection with C.R. No. 493 of 2021 registered with Malshiras Police Station, Solapur, for the offence punishable under sections 307, 326, 324, 323, 504, 506, 143, 147, 148, 149, 120-B read with 34 of the Indian Penal Code, 1860.
- 3.** This Court while granting interim protection by order dated 29/11/2021, passed following order:

“1. Heard learned Counsel for the applicant and learned APP.

2. According to prosecution, the agriculture land of accused is abutting to the land of informant having common bandh. On 25th August, 2021, the informant came to know that a quarrel is going on in the agriculture land and accordingly he went there. All the accused were also present and they were abusing the wife of informant. The present applicant was armed with a stick while others were armed with iron rod. When the brother of informant, namely, Navnath asked accused as to why they are quarreling, it is alleged that accused Raosaheb Maruti Bandgar assaulted on the shoulder and the back on the brother of informant by means of an iron rod. Others also assaulted when another brother of informant, namely, Tukaram came to separate quarrel. He was assaulted by accused Vikas Waghmode by means of an iron rod and the present applicant by means of a stick.

3. Perused medical certificate. Although the injury is grievous, having regard to the facts and circumstances of the case, in my considered opinion, the applicant has made out a case for ad-interim protection. Hence the following order is passed:

ORDER

(i) In the event of arrest of the applicant in C.R.No. 493 of 2021 registered with Malshiras Police Station, Solapur Rural for offences punishable under Sections 143, 147, 148, 149, 326, 324, 323, 504 and 506 of the Indian Penal Code, the applicant be enlarged on bail on his furnishing PR & SB in the sum of Rs. 20,000/- with one or two local surety/sureties in like amount.

(ii) The applicant shall make himself available for interrogation by a police officer of concerned police station as and when required.

(iii) The applicant shall not tamper with

prosecution evidence.

(iv) Issue notice to the concerned police station, returnable on 17th December, 2021.

(v) This order shall remain in force till the next date."

4. The applicant is alleged to have assaulted the complainant with the stick. Vikas Waghmode has alleged to have assaulted the complainant with an iron rod. The weapons are recovered at the instance of the accused no. 3- Sagar. The accused nos. 7 and 8 were granted anticipatory bail and the rest of the accused were granted regular bail. Even the accused nos. 7 and 8 were armed with sticks as also the present applicant. The rest of the accused were armed with iron rods. The complainant suffered fracture injuries on his finger.

5. Considering the nature of the allegations and nature of the dispute which was over a Bandh of the agricultural field, the applicant can be granted pre-arrest bail. There are no criminal antecedents reported. As the weapons are recovered, the custodial interrogation of the applicant is not necessary. Hence, the following order.

ORDER

(a) In the event of arrest of the applicant in connection with C.R. No. 493 of 2021 registered with Malshiras Police Station, Solapur, the applicant-Pratap Sahebrao Waghmode, be released on bail on her furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence;

(c) The applicant shall report to the Investigating Officer of the concerned Police Station on 18/01/2023 and 19/01/2023 between 11.00 am and 01.00 pm. and thereafter as and when required.

(d) The applicant shall co-operate with the investigation.

6. The application is disposed of.

(M. S. KARNIK, J.)