

Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2694 OF 2023

Raviraj Vitthal Gate ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Priyal G. Sarda, for Applicant.

Mr. M. G. Patil, APP, for State.

Mr. Nagesh G. Naiknaware, HC, Vairag Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 25th SEPTEMBER, 2023

PC:-

- 1) Heard the learned counsel for the applicant and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 360 of 2023, registered with Vairag Police Station, Solapur for the offences punishable under Sections 324, 326, 504, 506 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3) The applicant is the Deputy Sarpanch of the village Sarole. On 19th June, 2023 at about 9.30 am while the first informant was speaking with Vijay Patil, the applicant along with co-accused Kiran Gate allegedly came thereat and gave a dash to the first informant's motorcycle. As the first informant fell down, the applicant allegedly assaulted the first informant by means of an iron rod on the left leg. Co-accused Kiran also abused and assaulted the first informant by means of kick and fist blows. As the first informant raised alarm, witnesses came to his rescue.

4) The learned Counsel for the applicant submitted that the applicant had suffered injury as he fell down. The applicant has been roped in on account of political rivalry as a day prior to the alleged occurrence, no confidence motion was passed against the Sarpanch. The first informant is a member of a rival group and, therefore, the applicant has been falsely roped in.

5) The learned APP submitted that the injury certificate indicates that the first informant had sustained an irregular swelling on the left leg. The Medical Officer has opined that the injury was grievous. There are statements of the witnesses, which lend support to the informant's statement. It was further submitted that three crimes have been registered against the applicant.

6) I have perused the allegations in the FIR. The offence punishable under Section 326 is non-bailable. In the context of the nature of the accusation and the injury certificate, which indicates a suspected case of fracture of the upper distal fibula, the question as to whether an offence punishable under Section 326 of the Penal Code is prima facie made out, appears debatable.

7) In any event, the weapon of offence has allegedly been recovered. The applicant appears to have roots in society and the possibility of fleeing away from justice seems to be remote. Apprehension on the part of the prosecution can be taken care of by imposing conditions. Hence, I am inclined to exercise the discretion in favour of the applicant.

8) Thus, the following order:-

ORDER

I) In the event of arrest of the applicant in connection with C.R. No. 360 of 2023, registered with Vairag Police Station, Solapur for the offences punishable under Sections 324, 326, 504, 506 read with Section 34 of Indian Penal Code, 1860, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

II) The applicant shall co-operate with the investigation and attend Vairag Police Station, Solapur on every Saturday in between 10.00 am to 1.00 pm for a period of one month.

III) The applicant shall not contact the first informant or any of the witnesses and shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.

iv) The applicant shall regularly attend the proceedings before the jurisdictional Court.

V) The application stands disposed.

[N. J. JAMADAR, J.]