



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2760 OF 2023**

Vikas @ Sitaram Dnyaneshwar Pawar	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Ms. Manisha Deokar, for Applicant.
Mrs. Geeta P. Mulekar, APP for State.
Mr. C.B.Ghante, HC, Pandharpur Taluka Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 4 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.628 of 2023 registered with Pandharpur Taluka Police Station for the offences punishable under Sections 326, 323, 504 and 506 of the Indian Penal Code.
3. The field of the applicant is situated adjacent to the field of the first informant. There is a dispute between the applicant and the first informant over boundary. On 2 September 2023, the applicant allegedly raked up quarrel with the first informant. Altercation ensued. The Applicant pelted stones. One of the stones hit the right leg of the first informant and he fell down from the motorcycle.
4. The learned Counsel for the Applicant submitted that in respect of the very same occurrence, the applicant had also approached the police. However, the

police had recorded NC No.1077 of 2023 for the offences punishable under Sections 323, 427, 504, 506 read with Section 34 of the IPC. The learned Counsel further submitted that on account of the injury sustained by the applicant in connection with the said occurrence, the applicant is advised to undergo a surgery. In the backdrop of the nature of the accusation, according to the learned Counsel for the applicant, the custodial interrogation of the applicant is not at all warranted.

5. The learned APP, on the other hand, submitted that the medical certificate issued by Dwarkamai Hospital indicates that the first informant had sustained a fracture on the right leg. There are specific allegations of assault by means of stones. Therefore, the custodial interrogation of the applicant is warranted.

6. Evidently, the genesis of the offences is in the dispute between the parties over the boundary. It seems that in the course of altercation, there was exchange of blows. Prima facie, the first informant appears to have sustained grievous hurt. However, the said hurt was allegedly sustained when the applicant pelted stones and one of the stones hit the right leg of the first informant and, thereupon, the first informant fell down.

7. In the backdrop of the aforesaid nature of the occurrence, at this stage, the custodial interrogation of the applicant does not seem to be warranted. The applicant appears to have roots in society and has a permanent place of abode. The possibility of fleeing away from justice appears to be remote. The apprehension on

the part of the prosecution can be taken care of by imposing conditions.

8. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Vikas @ Sitaram Dnyaneshwar Pawar in connection with C.R.No.628 of 2023 registered with Pandharpur Taluka Police Station, the Applicant be released on bail on furnishing 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 report to the Pandharpur Taluka Police Station on 19th, 20th, and 21 October 2023 in between 10.00 a.m. to 1.00 p.m..

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and 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.)