



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2864 OF 2023

Gautam Vishnu Gangane ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Prashant Hagare, for the Applicant.
Mr. Shrikant Yadav, APP for the State.
HC T.V. Vhare, Sangola Police Station, Solapur, present.

CORAM: N. J. JAMADAR, J.
DATED : 12th OCTOBER, 2023

ORDER:-

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 CR No.792 of 2023, registered with Sangola Police Station, District Solapur, for the offences punishable under Sections 353, 506, 504 and 323 of Indian Penal Code, 1860 ("the Penal Code").
3. The first informant is posted at Panchayat Samiti, Sangola. On 28th August, 2023 the applicant, who claimed to be a beneficiary of one of the schemes for promotion of Animal Husbandry Project approached the first informant and demanded the refund of the amount which the applicant had

deposited by way of Demand Draft, to avail the benefit of the said scheme. When the first informant told the applicant that the amount once deposited cannot be refunded, the applicant allegedly abused the first informant and used criminal force. The applicant tried to pull the first informant out of his chamber.

4. The learned Counsel for the applicant submitted that the first informant has reported exaggerated version of the alleged occurrence. No notice under Section 41A of the Code of Criminal Procedure, 1973 was given by the applicant. The learned APP resisted the prayer for pre-arrest bail as the applicant had manhandled a public servant while he was discharging his official duties.

5. It seems that the incident had occurred in a spur of the moment. The applicant had allegedly abused and insulted the first informant. Even if the allegations in the FIR are taken at par, having regard to the nature of the occurrence, custodial interrogation of the applicant does not seem warranted to facilitate further investigation. I am, therefore, inclined to exercise the discretion in favour of the applicant.

6. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.792 of 2023, registered with Sangola Police Station, District Solapur, 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 cooperate with the investigation and attend Sangola Police Station on 20th and 21st October, 2023 in between 10.00 am. to 1.00 pm.
- (iii) The applicant 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) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]