



Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 3044 OF 2023

Parshuram Tulshiram @ Dasu Sanap ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Ritesh Thobale with Mr. Sagar Tambe, for Applicant.

Mr. S. H. Yadav, APP for State.

Mr. Paras Yadav i/b Mr. Prasad Kulkarni, for Intervener.

Mr. Ganesh N. Dalvi, HC, Pangari Police station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 31st OCTOBER, 2023

PC:-

1) Heard the learned counsel for the applicant and the learned APP for the State.

2) This application is preferred for pre-arrest bail in connection with C.R. No. 196 of 2023, registered with Pangari Police Station, for the offences punishable under Sections 326, 323, 504 and 506 of Indian Penal Code, 1860 ("the Penal Code").

3) The fields of the first informant and the applicant are situated at Ukadgaon, Tal. Barshi, Dist. Solapur. On 5th October,

2023, an altercation ensued between the first informant's father over the applicant grazing the cattles in the field of the first informant. The applicant allegedly initially assaulted the first informant's father by means of fist and kick blows and, thereafter, picked up a stone lying at the spot and gave a blow on the face. Teeths of the injured were dislocated. Hence, the report.

4) The learned Counsel for the applicant submitted that the incident had occurred in the heat of the moment. There was no pre-meditation. The question as to whether teeth were disrupted on account of the alleged assault by the applicant or the injured sustained the said injury as he fell down, would be a matter for trial. The applicant has roots in society. Therefore, the applicant be released on pre-arrest bail.

5) The learned APP submitted that the injury certificate indicates that there was dislocation of incisor teeth. To facilitate further investigation, custodial interrogation of the applicant is warranted.

6) The learned Counsel for the first informant submitted that even prior to the occurrence of the incident, on 19th June, 2023 NC complaint was lodged against the applicant. The injured is 68 years of age. In the event of the release of the applicant on pre-arrest bail, there is strong a possibility of threatening the

witnesses and tampering with evidence and possibility of commission of more grievous offences.

7) Prima facie, it appears that the incident occurred in the heat of the moment and there was no pre-meditation. The applicant was not initially armed with any weapon. During the course of scuffle, the applicant allegedly picked up the stone lying in the field and gave a blow.

8) I have perused the scene of occurrence Panchanama. It appears that the stone, with which the applicant allegedly assaulted the injured, has been recovered. Thus, at this stage, the custodial interrogation of the applicant does not seem to be warranted for further investigation. The apprehension on the part of the prosecution can be taken care of by imposing conditions.

9) I am, therefore, inclined to exercise discretion in favour of the applicant.

10) Hence, the following order:-

ORDER

I) In the event of arrest of the applicant in connection with C.R. No. 196 of 2023, registered with Pangari Police Station, for the offences punishable under Sections 326, 323, 504 and 506 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 Pangari police station on 7th, 8th and 9th November, 2023 in between 10.00 am to 1.00 pm and as and when directed by the Investigating Officer.

III) The applicant shall not contact the first informant, injured and give any threat or inducement the first informant, injured witnesses or any person acquainted with the facts of the case.

IV) The applicant shall stay away from the limits of Ukadgaon, Tal. Barshi, Dist. Solapur for a period of Nine months from today.

V) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

VI) The application stands disposed.

[N. J. JAMADAR, J.]