

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

ANTICIPATORY BAIL APPLICATION NO. 3645 OF 2022

1) Yashwant Vishvambhar Gavali
2) Gaurav Yashwant Gavali ..Applicants
VS.
The State of Maharashtra ..Respondent

**WITH
INTERIM APPLICATION NO. 239 OF 2023**

Maruti Vishambhar Gavali ..Applicant
VS.
The State of Maharashtra and Anr. ..Respondents

Sr. Advocate A.S. Khandeparkar a/w Rohit P. Mahadik a/w
Rushikesh G. Bhagat a/w Vaibhav Kulkarni i/b Khandeparkar
and Associates for the Applicants.

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

Adv. Ritesh M. Thobde a/w Adv. Kamran S. Shaikh for the
Intervener.

PSI – D.N. Salbatte, Mohol Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 24, 2023

P.C. :

1. Heard learned senior advocate for the applicants,
learned counsel for the intervener and learned APP for the
State.

2. This is an application for pre-arrest bail by the applicants in connection with First Information Report (FIR) No. 924 of 2022 dated 25/10/2022, registered with Mohol Police Station, Solapur, under sections 307, 327, 354, 324, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code, 1860 ("IPC" for short) and sections 3 and 25 of the Arms Act, 1959.

3. Applicant nos. 1 and 2 are father and son respectively. The first informant is the real brother of applicant no. 1. There is a dispute over property. In the past also there has been an incident of some quarrel for which the First Information Report came to be registered. In respect of the incident which happened on 24/10/2022, the present FIR came to be registered. It is alleged by the informant that the applicants assaulted the complainant. Applicant no. 1 tried to throttle him. Applicant no. 2 assaulted him with a stick on his right elbow. It is further alleged that applicant no. 1 pointed revolver at the complainant and threatened him. The injury certificate reveals that the injury suffered by the complainant is in the nature of Abrasions (two in number), simple injuries.

4. Learned APP and learned counsel for the intervener opposed the application. It is pointed out by the learned APP that in the cross FIR filed by the applicant, and A-summary report has been filed. The accusations are serious.

5. Learned senior advocate submitted that applicant no. 1 is in possession of a licenced revolver which he is willing to hand over to the Investigating Officer and cooperate with the investigation. The statement is accepted. It is also necessary that the applicants reside outside the jurisdiction of the Mohol police station, initially for a period of 6 months.

6. No doubt, section 307 of the IPC are is invoked, Considering that there are property disputes between applicant no. 1 and the complainant, and having regard to the nature of the accusations, the custodial interrogation is not necessary. The application can be allowed by imposing stringent conditions on the present applicants. Hence, the following order.

ORDER

(a) In the event of arrest in connection with FIR No.924 of 2022, registered with Mohol Police Station, Solapur, the applicants- Yashwant

Vishvambhar Gavali and Gaurav Yashwant Gavali shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- each with one or more sureties in the like amount;

(b) The applicants shall report to the Investigating Officer on 01/03/2023 and 02/03/2023 between 11.00 am and 01.00 pm. Thereafter, the applicants shall report to the Investigating Officer once a month i.e. on the first Monday between 11.00 am and 01.00 pm and as and when required;

(c) The applicants shall not reside within the jurisdiction of the Mohol police station for a period of 6 months from today;

(d) The applicants shall make an appropriate application before the trial Court for seeking permission to re-enter the jurisdiction of the Mohol police station after 6 months and if any such application is made, the trial Court shall consider the same on its own merits;

(e) The applicants to co-operate with the Investigating Officer;

(f) The applicants are permitted to enter the jurisdiction of the Mohol police station only for the purpose of attending the Investigating Officer on the dates fixed;

(g) Applicant no. 1 shall hand over his licenced

revolver to the Investigating Officer;

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

7. The application is disposed of. The interim application is disposed of.

(M. S. KARNIK, J.)