

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 50 OF 2023
(Sr.No.36)

Sachin S. Pawar ...Applicant
V/s.
The State of Maharashtra ...Respondent.

ANTICIPATORY BAIL APPLICATION NO. 51 OF 2023
(Sr.No.37)

Ramesh P. Pawar ...Applicant
V/s.
The State of Maharashtra ...Respondent.

WITH

INTERIM APPLICATION NOS. 186 AND 187 AND OF 2023

Ms Neha R. Kokare for the Applicant.
Mrs. Rutuja Ambekar, APP for the Respondent/State.
Ms Neeta Singh for the Intervener.

CORAM : N.R. BORKAR, J.
DATE : 17.01.2023.

P.C. :

1. Both these applications are filed under Section 438 of Code of Criminal Procedure, 1973 (Cr.P.C.) for grant of anticipatory bail. The Interim Application Nos.186 and 187 of 2023 for intervention are not on board. Upon mentioning, taken on board.
2. The applicants are apprehending their arrest in C.R. No. 439 of 2022 registered at Walchand Nagar police station, Pune Rural for the offences punishable under Sections 307, 143, 147,148,149,504 and 506 of the Indian Penal Code, 1860 (IPC).

3. According to the prosecution, on 7 October 2022 at about 7:45 p.m., the present applicants and other co-accused assaulted the complainant Sanjay Kale by sword, iron rod etc. and attempted to kill him on account of previous dispute.

4. I have heard the learned counsel appearing for the applicants and the learned APP for the respondent / State and the learned counsel for the Intervener.

5. The learned counsel for the applicants submits that the applicant in ABA No. 50 of 2023 is working as Gram Sevak and the applicant in ABA No.51 of 2023 is working as Talathi. It is submitted that there is dispute between the parties in relation to immovable properties and the said dispute is pending in the Court. It is submitted that there is a cross FIR as the family members of the applicants were assaulted in the alleged incident. It is submitted that if the applicants are arrested, then it would adversely affect their service career.

6. On the other hand, the learned APP for the respondent/State and the learned counsel for the intervenor submit that the applicants and other co-accused had assaulted the complainant by sword, iron rod etc. It is submitted that considering the nature of offence, the applicants may not be released on anticipatory bail.

7. Admittedly, there is a dispute between the parties in relation to the immovable properties and the same is pending the Court.

According to the applicants, they were not present at the time of alleged incident. Though, I am not inclined to deal with the said plea at the stage of bail, however, in view of the dispute between the parties in relation to immovable properties the possibility of false implication cannot be ruled out. There is a cross FIR. The applicants are in service. Considering the overall facts and circumstances of the case, I am inclined to release the applicants on anticipatory bail. In the result the following order is passed.

ORDER

- A) Both Anticipatory Bail Application are allowed.
- B) In the event of arrest of the applicants viz. Sachin Pawar and Ramesh Pawar in C.R. No. 439 of 2022 registered at Walchand Nagar police station, Pune Rural for the offences punishable under Sections 307, 143, 147,148,149,504 and 506 of the Indian Penal Code, they be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.
- C) The applicants shall attend the concerned Police Station from 30 January 2023 to 1 February 2023 between 11:00 a.m. to 2:00 p.m. and shall cooperate in the investigation.
- D) The applicants shall not enter into the limits of Village Nirgude without permission of the trial Court till conclusion of trial.

8. In view of disposal of anticipatory bail applications, the Interim Applications do not survive and the same are disposed of.

[N.R.BORKAR, J.]