

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.896 OF 2023

Sunil Dhondiram Mane	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Priyal Sarda a/w. Mr. Shubham Sane, for the Applicant
Mr. S.Y. Yadav, APP, for the Respondent/State.
Mr. N.B. Yadav, HC, Kundal police station.

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 19, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 15 of 2023 registered at Kundal police station for offences punishable under section 307 read with 34 of Indian penal Code, 1860.
3. When the application was listed before the Court, interim protection was granted by an order dated 27th March, 2023.
4. The applicant was posted at a Railway Crossing at Tupari, Sangli. The first informant and her husband tried to cross the railway track while the gate was closed. The applicant confronted the first informant and her husband and asked the husband of the first informant to pay fine of Rs. 500/-. An altercation ensued. The applicant and his associates allegedly assaulted the first informant's husband by means of an iron rod. Even when the first

informant's husband fell down, the applicant assaulted by means of iron rod, on his head. The applicant also threatened to kill him.

5. The learned counsel for the applicant submitted that in respect of the very same occurrence, the applicant had also lodged report on 16th February, 2023 vide C.R. No. 16 of 2023 for the offences punishable under sections 353, 324, 504 and 506 read with 34 of the Indian Penal Code, 1860. It was submitted that an altercation ensued as the first informant and her husband used criminal force to the applicant so as to prevent him from discharging his official duties.

6. The learned APP submitted that the injury certificate of the injured revealed that the injured had sustained multiple grievous injuries.

7. I have perused the injury certificate. It seems that the injured had fractured his ribs. However, the injury on the occipital region was designated as simple.

8. It appears that altercation ensued as the applicant tried to prevent the first informant and the injured from crossing the railway track while the railway crossing gate was closed. In respect of the one and the same incident, two versions have been reported. The question as to whether the applicant, being a public servant, had exceeded the authority, would warrant adjudication at the trial.

The applicant has roots in society as he is gainfully employed. The possibility of fleeing away from the justice seems to be remote.

9. In this view of the matter, at this length of time, the custodial interrogation of the applicant does not seem to be warranted. I am, therefore, inclined to exercise the discretion in favour of the applicant.

10. In the event of arrest in C.R. No.15 of 2023 registered with Kundal police station, the applicant Sunil Dhondiram Mane be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

11. The applicant shall cooperate with the investigation and attend Kundal police station as and when directed.

12. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

13. The applicant shall regularly attend the proceedings before the jurisdictional Court.

14. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)