

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

ANTICIPATORY BAIL APPLICATION NO. 967 OF 2023

Rahul Bapurao Lavate

..Applicant

v/s.

The State of Maharashtra .

..Respondent

Mr. Viresh Purwant for the Applicant.

Mr. S.V.Gavand, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 3rd APRIL, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No. 27 of 2023 registered with Natepute Police Station, Solapur for offences under Section 143, 147, 148, 149, 307, 323, 324, 326, 427, 452, 504, 506 r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the First Information Report lodged by Navnath Dattu Lavate. The facts narrated in the FIR prima facie reveals that there is property dispute between the

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Complainant and his brother Nandkumar Lavate. It is alleged that on 28.01.2023, Nandkumar Lavate and the other family members, including his son- the Applicant herein, went to the house of the Complainant. They kicked open the door and assaulted the Complainant and his family members. The first information report reveals that Nandkumar Lavate was armed with a sword and he had inflicted injuries on the head of the complainant. The role attributed to the Applicant is that he had given a blow of an iron rod on the leg of the Complainant. The medical records do not prima facie indicate that the Complainant had suffered any injury on his leg. It is stated that the weapons of offence, carried by the other co-accused have been recovered. It is also stated that the investigation is almost completed.

4. Considering the above facts and circumstances, and particularly the role attributed to the Applicant, in my considered view, this would not be a fit case for custodial interrogation. Hence the Application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.-27 of 2023 of Natepute Police Station, Solapur, the Applicant be released on bail on furnishing PR bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;
- (ii) The Applicant shall report to the Investigating Officer for two

days on 10th and 11th April, 2023 from 11.00 a.m. to 2.00 p.m.,for the purpose of interrogation;

iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)