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Nikita

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

ANTICIPATORY BAIL APPLICATION NO.2039 OF 2023

Mohan Sopan Sorate and Ors.	... Applicants
V/s.	
The State of Maharashtra	... Respondent

Mr.Yuvraj Narvankar, for Applicant.

Mrs. Veera Shinde, APP for the State/Respondent.

Mr.Mr. Ramesh Laxman Nagtilak, P.I. Vadgaon
Njmbalkar Police Stn.

CORAM : AMIT BORKAR, J.

DATED : JULY 20, 2023

P.C.:

1. At the outset, the learned Advocate for the Applicant, on instructions, seeks permission to withdraw the anticipatory bail application as against the applicant No.2 with a direction to the Trial Court to decide the regular bail application expeditiously.
2. The application as against the Applicant No.2 stands dismissed as withdrawn with a direction to the Trial Court to decide the regular bail application as expeditiously as possible.
3. Apprehending arrest in connection with C.R. No.209 of 2023 registered with the Vadgaon Nimbalkar Police Station, Taluka Baramati, Pune Rural for offences punishable under Sections 143,

147, 148, 149, 326, 324, 504 and 506 of the Indian Penal Code 1860, the applicants are seeking relief under section 438 of the Criminal Procedure Code, 1973.

4. According to prosecution, the dispute in relation to its rights over immovable property is lodged on 17th June 2023, the applicant Nos.1 to 6 obstructed the informant while bringing her back which resulted in altercation between them. According to the report, the applicant No.2 assaulted informant by iron rod resulting in fracture. Rest of the applicants assaulted informant by fist, blows and stick. The informant, therefore, lodged a report against the applicants. The Sessions Judge by order dated 13th July 2023, partly allowed the application granting anticipatory bail to the accused No.7 to 9.

5. On perusal of the material on record, it appears that the incident occurred due to dispute arising out of rights of immovable property. Except role attributed to the applicant No.2, it prima facie appears that rest of the applicants have not caused grievous injury to the informant and others.

6. There are cross reports filed by the applicants in relation to the same incident. Therefore, Trial Court will be required to decide who was aggressor during trial. Considering role to the applicants and the injury certificate placed on record, the applicants have made out a case for grant of relief under Section 438 of Code of Criminal Procedure, 1973. Hence, following order:

a) In the event of arrest of the applicants (except applicant No.2) in connection with C.R. No.209 of 2023

registered with the Vadgaon Nimbalkar Police Station, Taluka Baramati, Pune Rural for offences punishable under Section 143, 147, 148, 149, 326, 324, 504 and 506 of the Indian Penal Code 1860, they be released on bail on furnishing PR bond in the sum of Rs. 50,000/- each along with one or two sureties in the like amount.

b) The applicants shall remain present before the Investigating Officer on 24th, 26th and 28th July 2023, between 11.00 a.m. to 2.00 p.m., and, thereafter, as and when called by the Investigating Officer.

c) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

d) The applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

e) The applicants shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

7. The Anticipatory Bail Application stands disposed of in above terms.

(AMIT BORKAR, J.)