

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2384 OF 2023

Ramchandra Parmeshwar Pawar ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Shailesh Chavan a/w. Mr. Ajinkya Sangitrao and Mr. Hrishikesh Avhad, for the Applicant.

Mr. N.B. Patil, APP for the State.

Mr. G.A. Jagtrap, HC-1186, Tembhurni police station present.

CORAM : N. J. JAMADAR, J.

DATE : AUGUST 24, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This is an application for pre-arrest bail in connection with C.R. No. 114 of 2023 registered with Tembhurni police station, Solapur for the offences punishable under sections 143, 147, 149, 326, 324, 323, 504 and 506 of Indian Penal Code, 1860.

3. Harishchandra Pawar, the first informant is the brother of Gautam Pawar. The later called the first informant and informed him that co-accused Vishal Pawar was abusing him. Thereupon the first informant and his brothers Tanaji and Bhrahmdev reached Brahman Tale, Tembhurni. An altercation between Gautam Pawar and the co-accused Vishal had ensued.

4. The applicant and other co-accused Dilip Pawar, Dipak Pawar, Lakhan Pawar, Yogesh Pawar, Anarsa @ Suraj Pawar reached there at. The accused were armed with weapons. A scuffle ensued. The applicant allegedly assaulted Brahmdev Pawar by means of an iron rod. The other persons from the injured party were also assaulted by means of dangerous weapons.

5. The learned counsel for the applicant submitted that in respect of the same incident, one of the accused in this case, namely Suraj, had lodged a first information report bearing No. 118 of 2023 leading to the registration of offences against the first informant and members of the informant party. The version in the instant first information report is exaggerated to rope in the applicant. It was further submitted that two of the similar circumstanced co-accused Dilip and Dipak have been granted pre-arrest bail by this Court by an order dated 4th July, 2023 in ABA.No. 1851 of 2023.

6. The learned APP countered the submissions on behalf of the applicant. It was urged that a specific role of assault by means of iron rod resulting in grievous injury to Brahmdev is attributed to the applicant. Therefore, the applicant cannot claim parity.

7. I have perused the allegations in the first information report and material on record. In the order dated 4th July, 2023 in ABA. No. 1851 of 2023 this Court observed that the record revealed that

there was a free fight between both the groups in which members of the both the groups have sustained injuries. Undoubtedly, the Court noted that the persons, who were allegedly assaulted by Dipak and Dilip, had sustained simple injuries. Yet, in the totality of the circumstances, the Court was persuaded to exercise the discretion in favour of those applicant.

8. The injury certificate of Bhrahmdev Pawar indicates that the he had sustained grievous injury on left ligomatic arch. However, I find it difficult to accede to the submissions on behalf of the prosecution that there is such a qualitative difference between the role attributed to the applicant and Dilip and Dipak Pawar, who have been granted pre-arrest bail. Prima facie, it appears that there was virtually a free fight and the members of both the groups sustained injuries.

9. For the foregoing reasons, I am inclined to hold that the applicant is also entitled to the exercise of discretion.

Hence, the following order.

ORDER

- 1] Application stands allowed.
- 2] In the event of arrest in C.R. No.114 of 2023 registered with Tembhurni police station, the applicant 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.

3] The applicant shall cooperate with the investigation and attend Tembhurni police station, on every alternate Sunday in between 10 am to 12 noon for a period of two months.

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

(N. J. JAMADAR, J.)