



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2749 OF 2023**

Somnath Narayan Bansude

... Applicant

versus

The State of Maharashtra

... Respondent

Mr. Viresh Purwant with Mr. Suraj V. Gadkari, Ms. Freha Rizwi, for Applicant.

Smt. Ashwini A. Takalkar, APP for State.

Mr. Manoj Pawar, API, Akluj Police Station, Solapur (Rural) present.

CORAM: N.J.JAMADAR, J.

DATE : 4 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.608 of 2023 registered with Akluj Police Station for the offences punishable under Sections 392, 323, 504, 506 read with Section 34 of the Indian Penal Code.
3. The first informant is the brother of the applicant. The first informant has instituted a suit being Special Civil Suit No.451 of 2022 in the Civil Court at Malshiras seeking partition and separate possession of the joint family properties. On 29 March 2023 when the first informant was returning to the agricultural lands, the applicant and the co-accused allegedly accosted him. He was assaulted. Co-accused Santosh Jadhav allegedly robbed the first informant of cash amount of Rs.10,000/-. He was divested on the key of the car and robbed of the car as well. As the Police did

not register the FIR, the first informant lodged a private complaint and pursuant to the order passed by the learned Magistrate under Section 156(3) of the Code of Criminal Procedure, instant FIR came to be registered.

4. The learned Counsel for the Applicant submitted that the applicant is the owner of the car of which the first informant was allegedly robbed of. The first informant was divested of the cash amount of Rs.10,000/- allegedly by the co-accused Santosh Jadhav. It was further submitted that on account of family dispute, the applicant has been falsely roped in.

5. The learned APP fairly submitted that during the course of investigation it was revealed that the applicant is the registered owner of the car.

6. Since the allegations of robbing the first informant of the amount of Rs.10,000/- are specifically attributed to Santosh Jadhav and the relations between the applicant and the first informant appear to have been strained on account of dispute over the joint family properties, a prima facie case to exercise the discretion is made out.

7. The applicant appears to have roots in Society. The possibility of fleeing away from justice and tampering with the evidence seem to be remote.

8. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Somnath Narayan

Bansude in connection with C.R.No.608 of 2023 registered with Akluj Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to Akluj Police Station on every alternate Saturday between 10.00 a.m. to 1.00 p.m. for a period of two months or till the filing of the chargesheet.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The application stands disposed.

(N.J.JAMADAR, J.)