



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

ANTICIPATORY BAIL APPLICATION NO. 2770 OF 2023

Ganpati Vithoba Lawate ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Ritesh Thobde, for the Applicant.
Mr. M. G. Patil, for the State/Respondent.
PSI Saurabh Shete, Mangalvedha Police Station, present.

CORAM: N. J. JAMADAR, J.
DATED: 5th OCTOBER, 2023

ORDER:-

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 CR No.593/2023, registered with Mangalvedha Police Station, District Solapur, for the offences punishable under Sections 326, 324, 323, 504, 506, 143, 147, 148 and 149 of Indian Penal Code, 1860 ("the Penal Code").
3. The agricultural land of the applicant is adjacent to the land of accused No.1 Shankar Sadashiv alias Shivaji Jankar. On 23rd July, 2023, there was an altercation over dumping of the stones in the field of the first informant. Accused No.1 Shankar allegedly called his family members and the

applicant, the maternal uncle of Shankar. The accused allegedly formed an unlawful assembly and in prosecution of the common object of the unlawful assembly assaulted the first informant and his wife and sons. The applicant was allegedly armed with an iron rod and assaulted the first informant's sons Yash and Dadasab.

4. The learned Counsel for the applicant submitted that the first informant has reported an exaggerated version. Inviting the attention of the Court to the remand report dated 2nd August, 2023, wherein only the first informant was shown as injured person, it was submitted that the applicant deserves the exercise of the discretion.

5. I have perused the allegations in the FIR. The applicant and co-accused Shankar Jankar allegedly assaulted the first informant's sons Yash and Dadasaheb by means of iron rod. The nature of the injuries allegedly sustained by Yash and Dadasaheb does not find mention in the FIR nor the remand report dated 2nd August, 2023 indicates that Yash and Dadasaheb sustained injuries on account of assault attributed to the applicant. It appears that the genesis of the offences is in the dispute between the parties over the

agricultural land. *Prima facie* custodial interrogation of the applicant does not seem to be warranted.

6. The applicant appears to have a fixed place of abode. Possibility of fleeing away from justice appears to be remote. I am, therefore, inclined to exercise the discretion in favour of the applicant.

7. Hence the following order;

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.593/2023, registered with Mangalvedha Police Station, District Solapur, 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 cooperate with the investigation and attend Mangalvedha Police Station on 12th 13th 16th and 17th October, 2023 in between 10.00 am. to 1.00 pm. and, thereafter, as and when directed.
- (iii) The applicant shall not tamper with the prosecution evidence and give threat or inducement to the first

informant and any of the persons acquainted with the facts of the case.

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

Application stands disposed.

[N. J. JAMADAR, J.]