



Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2816 OF 2023

Sachin Pandurang Pujari ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Satish B. Sakat, for Applicants.

Mr. M. G. Patil, APP for State.

Mr. Nil B. Jadhav, API, Vita Police Station, present.

CORAM:- N. J. JAMADAR, J.

DATED:- 7th OCTOBER, 2023

PC:-

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. 392 of 2023, registered with Vita police station, Sangli, for the offences punishable under Sections 143, 147, 148, 149, 307, 324, 323, 504 and 506 of Indian Penal Code, 1860

("the Penal Code") and Section 135 of Maharashtra Police Act, 1951.

3) On 30th July, 2023 at about 5.30 pm, an altercation ensued between two groups. One represented by the first informant and another by Pandurang Datta Pujari. Police arrived at the spot and pacified the parties. While the first informant and other witnesses were on their way to Khanapur, police outpost, to report the matter, the applicant intercepted them. The applicant gave dash to the motorcycle which Dhanaji Mane and Shivaji Mane were riding. The applicant allegedly called co-accused Pandurang. Thereupon co-accused Pandurang and other accused arrived at the scene of the occurrence and assaulted the injured witnesses by means of dangerous weapons in the prosecution of the common object of the unlawful assembly. In the assault by the applicant and the co-accused, Pravin Mane, Sopan Mane and Umaji Mane sustained injuries.

4) The learned Counsel for the applicant submitted that no role of assault has been attributed to the applicant. He allegedly gave dash to the motorcycle, which witnesses Dhanaji and Shivaji were riding. There is no description of the vehicles. Nor is it the prosecution case that Dhanaji and Shivaji sustained

injuries. It was further submitted that the co-accused have been released on bail except Pandurang Khot.

5) The learned APP submitted that the applicant had played a crucial role in calling the co-accused at the scene of occurrence. It was further submitted that the applicant did not appear before the Investigating Officer, though directed, while he was granted interim protection.

6) I have perused the allegations in the FIR. Prima facie, it does not appear that any role of assault is attributed to the applicant. Primarily the allegations against the applicant are that he had intentionally given dash to the motorcycle, which the witnesses Dhanaji and Shivaji were riding. It does not appear that those witnesses suffered any injuries. In the circumstances, whether the applicant knew that the offences, which were allegedly committed after co-accused, Pandurang Khot and others arrived at the scene of occurrence would be committed in prosecution of the common object of unlawful assembly, warrant adjudication.

7) The applicant has roots in society. Possibility of fleeing away from justice seems to be remote.

8) I am, therefore, persuaded to exercise the discretion in favour of the applicant.

9) Hence, the following order:-

ORDER

I) In the event of arrest of the applicant in connection with C.R. No. 392 of 2023, registered with Vita police station, Sangli, for the offences punishable under Sections 143, 147, 148, 149, 307, 324, 323, 504 and 506 of Indian Penal Code, 1860 and Section 135 of Maharashtra Police Act, 1951, the applicant be released on bail on executing 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 attend Vita police station, Sangli, on 16th, 17th and 18th October, 2023 in between 10.00 am to 1.00 pm and, thereafter, as and when directed by Investigating Officer.

III) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

IV) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

V) The application stands disposed.

[N. J. JAMADAR, J.]