

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.2830 OF 2023**

Philip Arun Awale ...Applicant  
vs.  
The State of Maharashtra ...Respondent

Mr. Ganesh Gole i/b. Mr. Aarif Ali, for the Applicant  
Mr. M.G. Patil, APP, for the Respondent/State.  
Mr. Bhagwant Mulik, PSI, Ichalkaranji police station.

**CORAM : N. J. JAMADAR, J.**  
**DATE : OCTOBER 09, 2023**

**P.C.:**

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 153 of 2023 registered at Ichalkarji police station for the offences punishable under sections 307, 323, 143, 144, 147, 148 and 149 of Indian penal Code, 1860.
3. On 19<sup>th</sup> May, 2023 at about 8.30 pm there was a fight between two groups in front of the house of advocate Bhomaj, Lal Nagar, Ichalkaranji, about which two versions came to be reported.
4. The first informant in C.R. No. 153 of 2023 alleged that the applicant and the co-accused abused and assaulted him on account of a quarrel on the previous day. The co-accused Akash Avale was allegedly armed with scythe. Co-accused Akash Avale assaulted him

by means of scythe on the left eye. Another accused Saurabh Avale assaulted him by means of scythe on the right leg and left hand. As his friends raised alarm, the assailants fled away.

5. In the first information report No. 154 of 2013 lodged by Akash Avale, the co-accused, it was reported that the first informant Avinash Chavan was repeatedly demanding money from him and upon his refusal he was assaulted. The first informant Avinash Chavane allegedly assaulted him by means of knife on the left rib and ear. On the basis of the said report, crime was registered for the offences punishable under sections 307, 323, 143, 144, 147, 148 and 149 of the Code.

6. The learned counsel for the applicant submitted that the role attributed to the applicant is that of unleashing the fist and kick blows only. The applicant was not armed with any weapon. Investigation is complete. Thereafter, at this stage, the custodial interrogation of the applicant is not warranted.

7. The learned APP, on the other hand, submitted that the applicant had made call to the first informant. The applicant was also absconding and, therefore, he was not sent for trial.

8. Prima facie, it appears that there was a free fight between two groups which allegedly formed unlawful assemblies. In a situation of this nature, the question as to who was the aggressor may warrant

adjudication. At any rate, the allegations against the applicant are that of assaulting the first informant by fist and kick blows. It is not alleged that the applicant was armed with any weapon. Since investigation is practically complete, further custodial interrogation of the applicant does not seem to be warranted. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

9. In the event of arrest in C.R. No. 153 of 2023 registered with Ichalkaranji police station, the applicant Philip Arun Awale 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.

10. The applicant shall cooperate with the investigation and attend Ichalkaranji police station, on 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> October, 2023 in between 10 am to 1 pm and, thereafter, as and when directed.

11. The applicant shall furnish his address and contact details to the investigating officer and intimate any change therein.

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

13. The applicant shall regularly attend the proceedings before

the jurisdictional Court.

14. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

**(N. J. JAMADAR, J.)**