



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3018 OF 2023**

Uttam Laxman Bhagwat	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Prashant S. Hagare, for Applicant.
Mr. S.H.Yadav, APP for State.
Mr. Avinash H. Holkar, PC Walchandnagar, Police Station, Pune (R) present.

CORAM: N.J.JAMADAR, J.

DATE : 30 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.670 of 2023 registered with Walchandnagar Police Station for the offences punishable under Sections 143, 147, 149, 323, 327, 504, 506, of the Indian Penal Code.
3. The first informant and the applicant are the neighbours. There has been a dispute between the applicant and the first informant over the construction of a compound wall. On 6 September 2023, the applicant and his family members allegedly formed an unlawful assembly and in prosecution of the common object of unlawful assembly, committed offence of rioting, caused hurt to the first informant, his daughter and son and also divested the first informant of 5 gms gold marriage string.
4. The learned Counsel for the Applicant submitted that on account of the

dispute over the construction of the compound wall, the applicant has been falsely roped in. In fact, the quarrel was between the female members of the two families. The learned Counsel further submitted that in respect of the very same occurrence, the daughter of the applicant had lodged FIR being C.R.No.672 of 2023 for the offences punishable under Sections 324, 452, 323, 504, 506 read with Section 34 of the Indian Penal Code.

5. In opposition to this, learned APP submitted that the custodial interrogation of the applicant is warranted to facilitate the recovery of marriage string of which the first informant was divested.

6. Evidently, the genesis of the offences is in the dispute between the parties over the construction of a compound wall and in respect of the very same occurrence, the daughter of the applicant has lodged FIR No.672 of 2023 against the members of the informant party. It does not appear that any of the injured has sustained grievous injuries. The custodial interrogation of the applicant does not seem warranted to facilitate further investigation. The applicant appears to have roots in society. The possibility of fleeing away from justice seems to be remote. I am, therefore, inclined to exercise the discretion in favour of the applicant.

7. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Uttam Laxman

Bhagwat in connection with C.R.No.670 of 2023 registered with Walchandnagar 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 Walchandnagar Police Station on 6th, 7th and 8th November 2023 in between 10.00 a.m. to 1.00 p.m. and, thereafter, as and when directed by the Investigating Officer.

(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.

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

(N.J.JAMADAR, J.)