

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

ANTICIPATORY BAIL APPLICATION NO. 3465 OF 2022

Mr. Yogesh Tatya Tangawade

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Purshottam G. Chavan for the Applicant.

Mr. Shrikant Yadav, APP for the State.

Mrf. Vitthal Vibhute from Mangalvedha P.Stn.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 3rd APRIL, 2023.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No. 820 of 2022 registered with Mangalvedha Police Station, Solapur for offences under Section 143, 147, 148, 149, 323, 326, 504, 506 r/w. 149 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by injured Sanjay Appaso Babar, A perusal of the FIR reveals that on

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26.10.2022, the tempo driven by the first informant dashed against the motorcycle bearing No. MB-13-BY-1073, as a result of which, the rider fell down and sustained injuries. It is stated that another motor cycle chased his tempo and that they intercepted his vehicle at Wadi Marapur, they pulled him out of the vehicle, abused him and assaulted him with kicks, fist blows, sticks and stones. It is stated that the Applicant was amongst the persons who had assaulted the first informant. The first informant has stated that he had to pay total amount of Rs.40,000/- to the said assailants towards damage caused to the motor-cycle.

4. The records prima facie indicate that the first informant had sustained grievous injuries which were caused by fist blows, sticks and stones. The weapons, such as sticks and stones, prima facie cannot be considered as dangerous weapons within the meaning of Section 326 of IPC. The offence would be covered by Section 325 IPC for which maximum sentence is 7 years. It is stated that the weapon of assault has been seized, money has been recovered. Presence of the Applicant is not required for custodial interrogation.

5. The Applicant herein is a young boy of 28 years of age and is serving in Indian Army. It is stated that he is at present on duty at Rajasthan Border. He was released on interim bail on 21.12.2022. Learned Counsel for the Applicant states that the Applicant shall apply

for leave and shall report to the Investigating Officer on 24th and 25th April, 2023 between 11.00 a.m. to 2.00 p.m., and will co-operate with the investigation. Considering the above facts and circumstances, in my considered view, the Applicant can be released on bail on the following terms and conditions:-

- (i) In the event of arrest of the Applicant- Yogesh Tatya Tangawade, in Crime No.820 of 2022 registered with Mangalvedha Police Station, Solapur, the Applicant be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount;
- (ii) The Applicant shall report to the Investigating Officer for two days on 24th and 25th April, 2023;
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.
- (iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)