

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3462 OF 2023**

Avinash Shankar Dhumal	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Niranjan Mundargi i/by Omneel Jadhav, for Applicant.
Ms. Anamika Malhotra, APP for State.
Mr. Sandeep V. Pawar, PC, Saswad Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 12 DECEMBER 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.793 of 2023 registered with Saswad Police Station for the offences punishable under Sections 326, 341, 323, 504, 506, 143, 147, 149 of the Indian Penal Code.
3. The first informant alleged that there is a dispute between the first informant and the accused over proprietary and possessory title to an agricultural land. On 14 November 2023, the applicant allegedly raked up quarrel. The applicant and the co-accused formed an unlawful assembly and in prosecution of the common object of the unlawful assembly, the applicant and co-accused committed rioting and assaulted the first informant and his wife. The applicant allegedly gave blow by means of an iron rod on the head and left hand of the first informant.

4. Learned Counsel for the applicant submitted that the applicant had also sustained grievous injury on account of the knife blow given by the first informant. Attention of the court was invited to FIR No.790 of 2023 registered by the sister in law of the applicant for the offences punishable under Sections 326, 354B, 354D, 323, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code at a prior point of time. Medical certificates were also pressed into service to lend support to the submission.
5. Prima facie, it appears that the sister in law of the applicant had lodged FIR with the allegations of outraging the modesty of the said first informant and another lady, and assault on the applicant. The medical papers placed on record, prima facie, lend support to the said version of FIR No.790 of 2023.
6. The submission on behalf of the applicant that as a counter blast, FIR was lodged by the first informant herein, prima facie, carries some substance.
7. The learned APP fairly invited attention of the Court to the injury certificate. Though the Medical Officer has reserved the opinion about the nature of the injuries, prima facie, the injuries allegedly sustained by the first informant do not appear to be grievous.
8. In the circumstances, as there is a counter version which competes in probability, I am persuaded to exercise the discretion in favour of the applicant.
9. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Avinash Shankar Dhumal in connection with C.R.No.793 of 2023 registered with Saswad 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 Saswad Police Station on 20th and 21st December 2023 in between 10.00 a.m. to 1.00 p.m., and, thereafter, as and when directed.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the prosecution witnesses or any of 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, however, clarified that the observations are confined to the consideration of entitlement for pre-arrest bail and the trial Court shall not be influenced by any of the observations in further proceedings.

(N.J.JAMADAR,J.)