



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3533 OF 2023**

Laxman Tanaji More	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Amit A. Katarnaware i/by Mr. Aditya A. Katarnaware, for Applicant.
Mr. S.H.Yadav, APP for State.
Mr. V.C.Zinijrkar, PSI Rajgad Police Station, Pune present.

**CORAM: N.J.JAMADAR, J.
DATE : 18 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.134 of 2023 registered with Rajgad Police Station for the offences punishable under Sections 307, 323, 324, 504, 506 read with Section 34 of the Indian Penal Code.
3. There were disputes between Santosh More, husband of the first informant, and the applicant over the supply of building construction material at Future City. On 23 March 2023, the applicant and co-accused allegedly came in high speed in a Tavera car bearing Registration No.MH-12FC-8484 and tried to run over the first informant and her son Rajveer. The applicant and the co-accused alighted from the car. Thereafter, the applicant and co-accused assaulted Santosh, Chandrakant, first informant and her daughter Pranjali. The applicant had allegedly assaulted Santosh and Tanaji by means of a wooden stick. A dog was set up on

Pranjali.

4. Learned Counsel for the Applicant submitted that the FIR was lodged as a counter blast to the FIR No.132 of 2023 lodged by the applicant against the informant party. The said FIR was registered prior in point of time. It was further submitted that no case for offence punishable under Section 307 of IPC is prima facie made out. Nor the offence punishable under Section 326 of IPC can be said to have been made out.

5. Learned APP submitted that three members of the informant party suffered injuries. There are direct allegations of assault by means of stick against the applicant and, therefore, the applicant does not deserve exercise of discretion.

6. Evidently, in respect of one and the same occurrence, two versions have been reported. The applicant had lodged FIR prior in point of time. It appears that since there is a dispute between the parties, there was an altercation leading to a free fight. The injury certificates of the injured which indicates that they have sustained simple injuries. From the perusal of the allegations in the FIR, it becomes evident that the applicant was not initially armed. Allegedly, the applicant picked up a stick lying at the scene of occurrence.

7. In the aforesaid backdrop, the applicability of the offences punishable under Sections 307 and 326 of IPC appears prima facie debatable. Since there are two versions in respect of one and the same occurrence, I am impelled to exercise the

discretion.

8. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Laxman Tanaji More in connection with C.R.No.134 of 2023 registered with Rajgad 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 Rajgad Police Station on 27th, 28th and 29th 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.)