

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

ANTICIPATORY BAIL APPLICATION NO. 809 OF 2024

Mahadev Shrimant Wavare

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Anant Vadgaonkar for Applicant.

Ms. Pallavi N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 26 MARCH 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.13 of 2024 registered at Salgar Vasti Police Station, Solapur Rural, on 07.02.2024, under sections 143, 147, 149, 294, 307, 385, 504 and 506 of the Indian Penal Code.

2. Heard Mr. Anant Vadgaonkar, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The F.I.R. is lodged by one Avinash Gavhane. He has stated that, he has an agricultural land and also having a *rangoli* manufacturing unit. One Bhiva Wavare was obstructing smooth

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functioning of his unit and was threatening him. He was demanding money, but the informant had refused. Therefore, Bhiva was angry with him. The F.I.R. further mentions that the informant's cousin Nitin was a member of Gram Panchayat. There was some dispute about the possible location of water storage tank in the village. The informant and his cousin were on one side and the accused were on the other side.

4. On 05.02.2024, there was a gram sabha meeting. At that time, the applicant abused the informant's cousin Nitin and accused him of taking money illegally. The informant intervened. At that time, the other accused Bhivaji Wavare, Gajanand Wavare, Prabhu Rathod and Santosh Waghmare assaulted him. Prabhu Rathod caught him from behind and Bhiva tried to give a blow with a cutter. However, the informant avoided that blow. It landed on his right forearm. The others assaulted him with kicks and fist blows.

5. Learned counsel for the Applicant submitted that the F.I.R. is motivated. It is lodged because of previous enmity and

local politics. He submitted that the co-accused Prabhu who had played the actual role of holding the informant is granted anticipatory bail vide the order dated 14.03.2024 passed in A.B.A.No.705 of 2024. He, therefore, claims parity. Learned counsel further submitted that, there is no role attributed to the present applicant of actual assault. There are only general statements.

6. Learned APP tendered the investigation papers for perusal.

7. I have considered these submissions. The investigation papers contain statements of the eye witnesses Dattatraya Chavan, Nitin Gavhane and Ramchandra Kokate. Some of the statements are recorded U/s.164 of the Cr.p.c.; those are of Shrikant Patil, Avinash Gavhane, Dattatraya Chavan and Ramchandra Kokate. All these statements are similar. A specific role attributed to the present applicant is of giving abuses. There is no specific role of assault. The injuries caused to the informant are in the nature of blunt traumas. There were five such injuries and one laceration.

All these injuries are described as simple injuries. As rightly submitted by learned counsel for the applicant, the applicant's role is lesser than the accused Prabhu Rathod, who is granted anticipatory bail. In this view of the matter, the applicant can also be protected U/s.438 of the Cr.p.c.

8. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.13 of 2024 registered at Salgar Vasti Police Station, Solapur Rural, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)