

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

ANTICIPATORY BAIL APPLICATION NO.936 OF 2024

Santosh Brahmadev Chavan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Sarang S. Aradhye a/w Gauri Velankar, Shantanu Gurav, Shruti Kothavade & Saarth Chordia, for the Applicant.

Ms. Rajeshree V. Newton, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 05 AUGUST 2024

P.C.:

1. Heard Mr. Sarang Aradhye, learned Counsel for the Applicant and Ms. Rajeshree Newton, learned APP for the Respondent-State.

2. This Anticipatory Bail Application is preferred by the Applicant – Accused No.1 under Section 438 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C.R. No.	827 of 2023
2	Date of registration of F.I.R.	05/12/2023
3	Name of Police Station	Pandharpur Taluka, District-Solapur
4	Section/s invoked in FIR	327, 326, 365, 324, 323, 143, 147, 148, 149, 504 & 506 of the <i>I.P.C., 1860</i> .
5	Date of incident	04/12/2023
6	Date of filing Charge-sheet	07/02/2024
7	Section/s applied in Charge-sheet	364A, 365, 327, 326, 365, 324, 323, 143, 147, 148, 149, 504 & 506 of the <i>I.P.C., 1860</i> .

3. This Anticipatory Bail Application has been opposed by the Respondent—State of Maharashtra by filing an Affidavit of Vikram Dayanand Vadne, Police Sub Inspector, presently attached to Pandharpur Taluka Police Station, District - Solapur. The prosecution case is set out in Paragraph No.5 of said Affidavit-in-Reply, which reads as under:

“On 04.12.2023 at 11:00 am, when the informant and his father were present at their house at that time the adjoining land owner/Original accused No.1 namely Santosh Chavan along with his relatives namely Sachin Kolekar, Sanket Nalawade, Prashant Nalawade came to the house of the informant and said that they will resolve the disputes of road and money. It is further alleged that the informant alongwith the Applicant and his relatives then proceeded towards Pandharpur for depositing the amount charges for measurement of land and when they reached near the house of accused Santosh Chavan they stopped the vehicle. It is further alleged that the present Applicant alongwith other accused persons went inside the house of the present Applicant and they all came out with wooden sticks. It is further alleged that the present Applicant along with his relatives started abusing the informant and his father and threatened the informant to take back the Civil dispute lodged/filed against present Applicant. It is further alleged that the present Applicant alongwith his other relatives started beating the informant and his father. It is alleged that the Applicant and other Accused persons have assaulted on the head of the informant and on his legs, hands and back. Thereafter the Applicant alongwith other accused persons assaulted Sambhaji Dubal, Father of the informant. It is further alleged that during the said quarrel, they had taken away the golden chain of two tolas and one lakh rupees from the pocket of the informant. The further prosecution case is Applicant alongwith other accused put the informant and his

father in the four wheeler and when they reached near Pandharpur the Applicant abused the informant and his father in filthy language and threatened to kill them if they filed lodged criminal complaint. Based on the said complaint, the First Information Report was registered against the Applicant on 05.12.2023 at Pandharpur Taluka Police Station for the offence u/s 327, 326, 364(A), 365, 324, 323, 143, 147, 148, 149, 504, 506 of IPC.”

4. It is the submission of Mr. Aradhye, learned Counsel for the Applicant that there are a total of 6 Accused. 4 of them are named and 2 are unnamed. He submitted that out 4 named Accused, 3 were arrested and all of them have been released on bail. He submitted that as far as the Applicant is concerned, he has been granted anticipatory bail. He states that the Applicant has been granted protection by the Order dated 26th April 2024. He submits that he has attended the Police Station as and when called by the Investigating Officer after the Order dated 26th April 2024. He states that in the Affidavit-in-Reply, it is stated that the Charge-sheet was already filed even against the present Applicant on 7th February 2024. He further submitted that the incident in question took place due to the land dispute. He submitted that there are no antecedents against the Applicant and therefore the Anticipatory Bail Application be granted.

5. On the other hand, Ms. Rajeshree Netwon, learned APP strongly opposed the Anticipatory Bail Application. She submitted that the present Applicant had played a significant role in the crime. She pointed

out the injury certificate of the injured – Sambhaji Ramchandra Dubal. She therefore submitted that the Anticipatory Bail Application be rejected.

6. Perusal of the record shows that F.I.R. was lodged on 5th December 2023. The Affidavit of Vikram Dayanand Vadne, Police Sub Inspector, presently attached to Pandharpur Taluka Police Station, District – Solapur dated 3rd July 2024, shows that Charge-sheet was filed even against the present Appilcant on 7th February 2024. Thus, investigation is completed. There are no antecedents against the Appilcant and therefore the Applicant can be enlarged on anticipatory bail.

7. The Applicant does not have any criminal antecedents.

8. The Applicant does not appear to be at risk of flight.

9. Accordingly, the Applicant can be enlarged on anticipatory bail by imposing conditions.

10. In view thereof, the following order:-

ORDER

- (a) In the event of arrest, the Applicant - Santosh Brahmadev Chavan be released on bail in connection with C.R. No.827 of 2023 registered with the Pandharpur Taluka Police Station, District – Solapur on his furnishing P.R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall not enter the Village Degaon, Solapur Shivar, District–Solapur, except for reporting to the

Investigating Officer, if called, and for attending the trial.

- (c) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Pandharpur Taluka Police Station, District – Solapur once every week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial.
- (e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

11. The Anticipatory Bail Application is disposed of accordingly.

12. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this Order.

[MADHAV J. JAMDAR, J.]