

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

ANTICIPATORY BAIL APPLICATION NO.2614 OF 2021

Rohan Namdev Kale

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Umesh R. Mankapure a/w Nilesh Wable & Rutuja Khatmode, for
the Applicant.

Mr. A. R. Metkari, APP for the Respondent/State.

CORAM : KISHORE C. SANT, J.

DATE : 21st MARCH, 2024

PC.

1. Heard learned counsel for the parties. This Application is filed seeking bail in the event of arrest in connection with FIR No.0092 registered with Jath Police Station, District Sangli dated 20th February, 2021 for the offences punishable under Sections 367, 342, 326, 327, 143, 147, 148, 149, 504, 506 of IPC.

2. The informant lodged the report at 04:40 that he was having altercation between Dhananjay Chavan and Avinash Sale. The informant tried to intervene at that time the present Applicant started abusing the informant. After sometime, the Applicant came there and pelted stone at informant. Some other persons accompanying the Applicant also assaulted the informant and his friends. The Police registered the FIR against him, wherein the present Applicant is shown as accused No.1.

3. It is the case of the Applicant that in fact informant himself had assaulted the Applicant and the Applicant therefore had lodged FIR with the Police Station bearing FIR No.0091 on the same day at 03:43 i.e. one hour prior to the instant FIR. The allegation made in the FIR No.0091 would show that it is the informant who in fact pelted stone at the present Applicant. The FIR No.0091 was lodged for the offence punishable under Sections 326, 323, 143, 147, 148, 149 of IPC. It is therefore submitted that the present FIR is lodged only as counter complaint. The incident at the most can be taken as sudden fight between two groups. It is further submitted that the Applicant is already protected by order dated 29th October, 2021 by this Court. Pursuant to the order, the Applicant has also attended the Police Station on 17.03.2024. Photocopy of the attendance diary is also produced in the Court showing that the Applicant has attended the Police Station. It is therefore prayed that the Application be allowed.

4. Learned APP vehemently opposes the Application. He submits that from the FIR, it is seen that it is not only the present Applicant but there were six others with the common intention assaulted the informant and his friends. A specific role is attributed to the Applicant. Learned APP thus opposes the bail application.

5. Considering the fact that the FIR by the present Applicant was lodged even prior to the FIR lodged by the informant in this case. The role of the informant is clearly spelt out in the FIR

lodged in the earlier point of time. Possibility cannot be ruled out that the present complaint is filed only as a counter case. Taking contents as it is, it is seen that there is dispute between two groups and the incident has taken place because of the rivalry. The Applicant has also attended the Police Station pursuant to the order passed by this Court. Since 2021 nothing is against the Applicant. Even the charge-sheet may have been filed. This Court finds that a case is made out to allow the Application. Hence, the following order.

- i) The Application stands allowed.
- ii) In the event of arrest, Applicant is directed to be released on bail in connection with crime FIR No.0092 registered with Jath Police Station, District Sangli dated 20th February, 2021 for the offence punishable under Sections 367, 342, 326, 327, 143, 147, 148, 149, 504, 506 of IPC on bail on furnishing PR bond and solvent surety in the sum of Rs.2000/-.
- iii) Applicant shall attend the concerned Police Station as and when required.
- iv) Applicant shall furnish his contact details including mobile number to the concerned Police Station. If there is any change in the contact details, Applicant shall immediately inform to the concerned Police Station.

6. The Application stands disposed of.

[KISHORE C. SANT, J.]