

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

ANTICIPATORY BAIL APPLICATION NO.2783 OF 2021

Balasaheb Vishnu Jagdale & Ors.

..Applicants

Versus

The State of Maharashtra

..Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.2802 OF 2021

Tanaji Bhagwan Patil

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Umesh R. Mankapure, for the Applicants in both Applications.

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

CORAM : KISHORE C. SANT, J.

DATE : 18th MARCH, 2024

PC.

1. Since both these Applications are arising out of the same FIR, both these Applications are taken together.

2. Applicants are apprehending arrest in connection with FIR No.424 of 2021 registered with Atpadi Police Station lodged by the informant for the offence under Section 307, 341, 143, 147, 148, 149, 427 of IPC and Section 135 of Maharashtra Police Act. The allegations are that when the informant was driving the car along with one MLA, namely Gopichand Padalkar and bodyguard and other volunteers, their car was stopped near Anna Bhau Chowk, Atpadi. Thus, Applicants stopped the vehicle by parking their cars in the road. They all tried to assault the sitting MLA, his driver and

other volunteers. They also caused damage to the car in which the informant and the MLA were travelling.

3. It is the case of the Applicants that in fact one Raju Nanaso Jankar had already lodged complaint on the same day bearing FIR No.423 of 2021 on 8th November, 2021. The complaints are lodged due to political rivalry. In fact it is the driver of the MLA who tried to kill Raju Nanaso Jankar by running a car over him. It is stated that thus the complaint is only counterblast to the earlier complaint filed by Raju Nanaso Jankar. This Court has already granted interim relief by order dated 25th November, 2021 by putting certain conditions. Learned APP informs that till now the Applicants have co-operated in the investigation. The investigation is almost complete.

4. Considering the above, *prima-facie* it is seen that the complaints are lodged due to political rivalry. Both the groups are politically against each other. The possibility of false implication due to political rivalry cannot be ruled out. Even otherwise since the investigation is complete and since 2021 no untoward incident is alleged against them, this Court finds that a case is made out to confirm the interim relief.

5. Both these Applications stand allowed

6. In the event of arrest in connection with FIR No.424 of 2021 registered with Atpadi Police Station lodged by the informant

for the offence under Section 307, 341, 143, 147, 148, 149, 427 of IPC and Section 135 of Maharashtra Police Act, Applicants shall be released on bail on executing PR bond of Rs.15,000/- each with one surety in the like amount

7. Applicants shall attend the concerned Police Station as and when required by the Police.

[KISHORE C. SANT, J.]