

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

ANTICIPATORY BAIL APPLICATION NO.108 OF 2024

Devdatta Lahu Darade & Anr. Applicants

versus

State of Maharashtra Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.109 OF 2024**

Navnath Lahu Darade & Anr. Applicants

versus

State of Maharashtra Respondent

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- Mr. Umesh H. Pawar a/w Sagar R. Sonawane, Advocate for Applicant.
- Smt. M. H. Mhatre, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 25th JANUARY, 2024**

P.C. :

1. Both these applications are decided by this common order because they arise out of the same registered offence.

2. The Applicants are seeking anticipatory bail in connection with C.R.No.605/2023, dated 07/11/2023,

Nesarikar

registered with Vairag Police Station, Solapur Rural, under sections 323, 324, 327, 504, 506 r/w 34 of the Indian Penal Code.

3. Heard Mr. Umesh H. Pawar, learned counsel for the Applicants and Smt. M. H. Mhatre, learned APP for the State.
4. The FIR is lodged by one Yogesh Darade. He has stated that there was election in his village on 05/11/2023. On 07/11/2023 at about 11.30 a.m. he was sitting in front of his house at village Bhalgaon. At that time, all the four Applicants came near him. They gave abuses. The Applicant Devdatta told him that they did not like his celebration after winning the election. He gave blows with iron fighter on his neck and back. The other Applicants assaulted him with kicks and fist blows. The Applicant Sunil Sanap removed Rs.1,500/- from the first informant. The others intervened and stopped the fight. Thereafter this FIR is lodged.

5. Learned counsel for the Applicants submitted that the allegations in the FIR are not true. The Applicant Devdatta was at a distant place at about 35 km from the spot of the incident at the time of the alleged incident. He is in fact the informant in a counter case and his group was assaulted at around 12.20 p.m. on that very day. The opposite group had removed a gold chain worth Rs.1,00,000/- from him and had also taken away some cash. On this basis, the Applicant Devdatta himself had lodged FIR vide C.R.No.603/2023 at the same Vairag police station at about 05.14 p.m. on 07/11/2023. After that, the present C.R.No.605/2023 was lodged by Yogesh Darade as a counterblast. Learned counsel for the Applicant submitted that he has CCTV footage of a petrol pump at the distant place, at the time, when the informant Yogesh was supposed to have been assaulted.

6. Learned APP submitted the investigation papers before me which contain the statements of other eyewitnesses like Shrikant Darade, Sandip Dhavale, Ajay Sarvade and Amol

Sarvade. She also produced the injury certificate in respect of Yogesh's injuries.

7. I have considered these submissions. The eyewitnesses are from the Yogesh's group. The important circumstance in this case is the injury certificate, which shows that Yogesh had suffered three blunt traumas on the neck, back and thigh. All these injuries are described as simple injuries. The offence appears to be a petty offence. The allegations of removal of Rs.1,500/- is not substantiated except by the informant's own theory. In this view of the matter, the custodial interrogation of the Applicants is not necessary. The Applicants can be protected u/s 438 of Cr.P.C.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.605/2023, dated 07/11/2023, registered with Vairag Police Station, Solapur Rural, the

Applicants are directed to be released on bail on furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.

- (ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)