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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 221 OF 2024

Vijay Ramchandra Dhumal ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Chaitanya Pendse, a/w Samiksha Mane, i/b Heramb
Kadam, for the Applicant.

Mr. Tanveer Khan, APP for the State/Respondent.

ASI A. B. Khomane, Saswad Police Station, Pune, present.

CORAM: N. J. JAMADAR, J.

DATED: 5th MARCH, 2024

PC:-

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with CR No.790 of 2023 registered with Saswad Police Station, Pune Rural, for the offences punishable under Sections 326, 354-B, 354-D, 323, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code, 1860 ("the Penal Code").
3. By an order dated 30th January, 2024, this Court had granted interim protection observing *inter alia* as under:

"7. The injury certificate of Avinash indicates that there was an amputation of phalanx of left hadn ring finger. At the same time, the injury certificates of the applicant and his wife indicate that they have also sustained injuries at the very same occurrence. The applicant has sustained fractured on left little finger. Prima facie, it appears that there was a free fight and in the course of the said fight,

members of both the groups sustained injuries.

8. In a situation of this nature, the question as to whether which party was the aggressor would become relevant. The nature of injury suffered by the injured Avinash, prima facie, does not appear to be life threatening. Since the accused in CR No.793 of 2023 lodged at the instance of the applicant, has been released on pre-arrest bail, it may be expedient to grant interim protection to the applicant while directing him to join in the investigation.”

4. The learned Counsel for the applicant submits that in terms of the aforesaid order the applicant has appeared before the Investigating Officer. The learned APP submits that though the applicant has appeared before the Investigating Officer, the weapon of offence has not been yet recovered.

5. While granting interim protection this Court has ascribed reasons. The facts that it was virtually a free fight and members of both the groups had sustained injuries and the question as to which party was the aggressor would warrant adjudication at trial, had weighed with this Court.

6. Having regard to the nature of the occurrence, at this length of time, the custodial interrogation of the applicant does not seem to be warranted. The applicant appears to have roots in the society. Possibility of tampering with evidence and fleeing away from justice appears to be remote.

7. I am, therefore, impelled to make order of interim bail absolute on the terms and conditions incorporated therein.

8. Hence, the following order:

: O R D E R :

- (i) Order of interim bail dated 30th January, 2024 is made absolute in the terms and conditions incorporated therein.
- (ii) In addition, the applicant shall regularly attend the proceedings before the jurisdictional court.

Application stands disposed.

[N. J. JAMADAR, J.]