

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

ANTICIPATORY BAIL APPLICATION NO.637 OF 2024

Haridas @ Mauli Dada Waghmare Applicant
versus
State of Maharashtra Respondent

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- Mr. Jaydeep D. Mane, Advocate for Applicant.
- Ms. Rajeshree V. Newton, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 07th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.841/2023, dated 12/12/2023, registered with Pandharpur Police Station, Solapur Rural, under sections 143, 147, 148, 149, 307, 326, 323, 504, 506 of the Indian Penal Code.
2. Heard Mr. Jaydeep D. Mane, learned counsel for the Applicant and Ms. Rajeshree V. Newton, learned APP for the State.
3. The FIR is lodged by one Shital. He has stated that his neighbour Vishnu Waghmare was having a pet dog. The incident

took place on 11/12/2023 at about 05.30 p.m. Vishnu's dog came aggressively towards the informant. He complained to Vishnu. It is further mentioned that Vishnu's son Chetan did not like it and started quarreling with the informant. The quarrel got escalated. Chetan went inside and brought a steel plate and hit the informant on his mouth causing breaking of one tooth. Vishnu and one Mahadev caught the informant. Another accused Sumit brought a Sattur. He and Chetan assaulted the informant with a stick. Hearing the commotion, the neighbours and informant's family members came at the spot. It is alleged that the Applicant was also amongst them. The accused, including the Applicant, started beating and abusing the informant's family members. After some time, the quarrel stopped. The informant went to the Doctor and after taking treatment lodged this FIR.

4. Learned counsel for the Applicant submitted that from the narration of the FIR itself it is clear that the Applicant had come subsequently at the spot. The main incident of assault on the informant was already over. The informant was assaulted by

Chetan, Vishnu, Mahadev and Sumit. There is no role attributed to the present Applicant of causing any assault to the informant. Therefore he could not have shared any common intention or common object with the other accused.

5. Learned APP opposed these submissions. She has produced the investigation papers before me. The informant has suffered one simple injury on the head, one simple abrasion and fracture of the tooth. The last injury was described as the grievous injury. The statements of the family members of the informant support his case. The informant's wife has stated that when she reached there, the informant was already suffering from a bleeding injury to his mouth. She has stated about the presence of the Applicant and has also attributed the role of giving abuses to the family members of the present Applicant.

6. I have considered these submissions. As rightly submitted by the learned counsel for the Applicant, it appears that the Applicant has reached the spot subsequently, after the assault on the informant was over. Therefore, he cannot be held

responsible for the other accused causing any injury to the informant. His role is restricted to giving abuses to informant and to the other family members of the informant. That role is a separate role and those allegations are not serious.

7. Considering these submissions, his custodial interrogation is not necessary. He can be protected u/s 438 of Cr.PC.

8. Hence, the following order :

ORDER

(i) In the event of his arrest in connection with C.R.No.841/2023, dated 12/12/2023, registered with Pandharpur Police Station, Solapur Rural, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)