

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

ANTICIPATORY BAIL APPLICATION NO. 705 OF 2024

Prabhu Manohar Rathod

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Anand Vadgaonkar for Applicant.

Ms. Poonam P. Bhosale, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 14 MARCH 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.13 of 2024 registered at Salgar Vasti Police Station, Solapur City, on 07.02.2024, under sections 143, 147, 149, 294, 307, 385 and 506 of the Indian Penal Code.

2. Heard Mr. Anand Vadgaonkar, learned counsel for the applicant and Ms. Poonam Bhosale, learned APP for the State.

3. The F.I.R. is lodged by one Avinash Gavhane. He has stated that the informant was having a small unit in his agricultural land to manufacture *rangoli*. The applicant was asking

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for money for permitting the informant to continue with his unit. It is alleged that the applicant was in the habit of threatening and abusing the villagers, and there are other offences registered against him. The informant's cousin Nitin Gavhane was a member of the Gram Panchayat. The Gram Panchayat had passed a resolution to place a water tank in the central place of the village, but the applicant and his group were not agreeable to that proposal.

4. On 05.02.2024, a gram sabha meeting was arranged. At that time, there was a quarrel between the two groups. It is alleged that the accused including the present applicant were present there. The applicant held the informant. The co-accused Bhivaji abused him and tried to give a blow with a cutter. The informant avoided that blow. It landed on his hand causing bleeding injury. The others assaulted him with kicks and fist blows. One Gajanan tried to throw a big stone towards the informant. It is mentioned that, he swayed away his head and he was not hit by the stone. The others present during the incident intervened and the accused then went away. On these allegations the F.I.R. was

lodged.

5. Learned counsel for the applicant submitted that the F.I.R. is politically motivated. The Gram Panchayat had passed a resolution to place that water tank at a particular place. It was not agreeable to the informant and his cousin Nitin, and they were opposing that proposal. He submitted that the applicant is Upa *Sarpanch* of village and he himself had called that Gram sabha. He submitted that the F.I.R. is highly exaggerated. The informant has not suffered any serious injury. The applicant has not attributed any role of assault except holding the informant.

6. Learned APP produced the investigation papers before me including the injury certificate and the medical papers in respect of the informant Avinash. She further submitted that there are three other offences registered against the applicant vide C.R.No.76 of 2018, 83 of 2017 and 8 of 2023 at the same Salgar Vasti police station.

7. I have considered these submissions and I have perused the investigation papers. There are eye witnesses namely

Shrikant Patil, Dattatraya Chavan and Nitin Gavhane. All of them have narrated the incident exactly in the same manner as is described in the F.I.R. The injury certificate shows that the informant had suffered five blunt traumas on the skull, chest, abdomen, right arm and left clavicle. All the injuries are described as simple injuries. The sixth injury was laceration on the right arm of the size 2 x .1cm. It is also a minor injury. Therefore, it is very difficult to observe that, either offence U/s.307 or under section 326 of the I.P.C. is made out. The applicant is attributed a minor role. There is a background of political rivalry. The antecedents against the applicant are stale. In this view of the matter, custodial interrogation of the applicant is not necessary. He can be protected U/s.438 of the Cr.p.c.

8. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.13 of 2024 registered at Salgar Vasti Police Station, Solapur City, the applicant is directed to be released on bail on his executing

P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)