

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

ANTICIPATORY BAIL APPLICATION NO.757 OF 2024

Santosh Rajaram Waghmare Applicant
Versus
The State of Maharashtra Respondent

Mr. Sumeet A. Gemhani, Advocate i/b. S.R. Pille for the Applicant.

Ms. Mahalakshmi Ganapathy, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.13/2024 registered at Salgar Vasti Police Station, Solapur City under sections 307, 385, 294, 506, 143, 147, 149 of IPC.

2. Heard Mr. Sumeet Gemhani, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the Respondent-State.

3. The FIR is lodged by one Avinash Gavhane. He has stated that he had small unit in his agricultural land for

manufacturing *rangoli*. One Biva Wavare was threatening him to extract money for allowing him to continue with his unit. The informant's cousin Nitin Gavhane was a Grampanchayat member. There was some dispute in the Grampanchayat members about the location of a water tank. The informant and Nitin were on one side and Bhiva, Mahadev and Gajanand were having opposite view. On 5.2.2024, there was a Gramsabha meeting. There was a quarrel. Bhiva, Gajanand, Prabhu and the present Applicant came there. Out of them, Prabhu held the informant and Bhiva tried to give a blow with cutter on the informant. It is mentioned that the informant moved away and the blow landed on his right arm. All of them assaulted the informant with kick and fist blows. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicant submitted that enmity was between the informant and Bhiva. The Applicant had no motive. He relied on the order passed on 14.3.2024 in A.B.A. No.705/2024 in the case of Prabhu Manohar Rathod, who was a co-accused. He was granted anticipatory bail vide

that order. Said accused Prabhu had at least some role of holding the informant. Even that role is not attributed to the present Applicant. The allegations against him are much lesser. Learned counsel, therefore, claimed parity.

5. Learned APP fairly submitted that the principles of parity apply in this case.

6. Considering these submissions, the observations in the earlier order dated 14.3.2022 are applicable to the present Application as well. It was observed in that order that there were eye witnesses, namely, Shrikant Patil, Dattatraya Chavan and Nitin Gavhane. All of them have narrated the incident in the same manner as is described in the FIR. The informant had suffered five blunt traumas on head, chest, abdomen, right arm and left clavicle. All the injuries were simple injuries. There was laceration on the right arm of the size 2 x .1 cm. It was also a minor injury. Considering all these aspects, the co-accused Prabhu Rathod was granted anticipatory bail. Similarly the Applicant can also be protected under Section 438 of Cr.P.C. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.13/2024 registered at Salgar Vasti Police Station, Solapur City, 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) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2024.03.20
11:48:18
+0530