

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

ANTICIPATORY BAIL APPLICATION NO.778 OF 2024

Samadhan Tukaram Sabale Applicant
Versus
The State of Maharashtra Respondent

Mr. Shailesh D. Chavan, Advocate a/w. Sumit Sawant for the Applicant.

Mr. Avinash A. Naik, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 20th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.16/2024 registered at Akhuj Police Station, District-Solapur on 8.1.2024 under sections 436, 327, 427, 324, 323, 504, 506, 143, 147, 148 read with 149 of IPC.

2. Heard Mr. Shailesh Chavan, learned counsel for the Applicant and Mr. Avinash Naik, learned APP for the Respondent-State.

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3. The FIR is lodged by one Akshay Parade. He has described the incident dated 7.1.2024. He was talking with his friends. At that time, around 40 to 45 motorcycles came towards them. There were around 70 to 80 persons. The Applicant was specifically named by him as one of the members. Those persons started issuing threats. The accused Vikas broke the headlight of the informant's two-wheeler and assaulted him on his right hand. The informant's friends Bharat, Ganesh and Vijay were assaulted by stone by Vikas. The same accused Vikas snatched the informant's chain. All of them went away. While going, they burnt some household articles kept in a tin-shed belonging to one Nana Dhotre. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicant submitted that there is no specific allegation of causing assault to the informant and his friend. The allegations pertain to section 427 of IPC against the Applicant, but, it is a bailable offence.

5. Learned counsel for the Applicant relied on the order passed by this Court on 29.2.2024 in A.B.A.

No.555/2024, by which four other co-accused of the Applicant, who were similarly placed, were granted anticipatory bail. Learned counsel claimed parity.

6. Learned APP produced the investigation papers before me. They include the statements of four eye witnesses Vijay, Laxman, Anil and Ganesh. Vijay's medical certificate shows fracture of his right hand finger.

7. I have considered these submissions. The statement of Vijay Parade shows that he had attributed that injury to at least four to five accused in a general statement mentioning that they caused injury by pelting stones. Therefore, there is no definite material against the present Applicant of using any weapon as required under Section 326 of IPC. Even otherwise, the principles of parity will apply as other accused Sadashiv, Namdeo, Dadasaheb and Amol are granted anticipatory bail by the aforesaid order dated 29.2.2024. However, considering the nature of the incident, some conditions can be imposed on the Applicant to keep check on his activities.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.16/2024 registered at Akuj Police Station, District-Solapur, 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 Applicant shall report to the concerned police station once a week till filing of the charge-sheet. He shall cooperate with the investigation.
- (iii) The Applicant shall not threaten any witness in this case.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)