

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

**ANTICIPATORY BAIL APPLICATION NO. 792 OF 2024**

Rocky Niwas Ghadge

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Dilip Bodake for Applicant.

Mr. Nitin B. Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 22 MARCH 2024

PC. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.775 of 2023 registered at Wai Police Station, Satara, on 08.11.2023, under section 307, 324, 323, 427, 504, 506, 143, 147, 148, 149 of the Indian Penal Code.

2. Heard Mr. Dilip Bodake, learned counsel for the applicant and Mr. Nitin Patil, learned APP for the State.

3. The F.I.R. is lodged by one Sachin Mankumbre. He has stated that, they had dispute with one Mohan Jadhav in respect of a common road. The informant's family did not want Mohan and

others to use the road in front of their house because it was within their property.

4. On 08.11.2023, in the morning, there was some quarrel between the informant's family and Mohan's family because Mohan wanted to dig bore-well in his land. It is mentioned that, Mohan's family's group left the place by threatening the informant's family. Within 5 to 10 minutes the accused Mohan Savkar and others came there with iron rods. It is alleged that, Mohan gave a blow with iron rod on Sandip's head. Lakhan Jadhav assaulted the informant on his right leg. Ganesh was assaulted by Pawan with an iron rod. In general, there are allegations of opposite group assaulting the informant's group. It is further mentioned that, at that time, the applicant and Kiran came there and assaulted Ganesh with wooden stick. They also damaged a four wheeler parked nearby. On these allegations the F.I.R. was lodged.

5. Learned counsel for the applicant submitted that the F.I.R. itself mentions that the applicant and Kiran had come

subsequently, or in any case, after the main assault was over. They are attributed assault on one Ganesh. He had suffered only one simple injury. Therefore, it cannot be said that the applicant was a part of an unlawful assembly of which object was to commit serious offence U/s.307 of the I.P.C.

6. Learned APP opposed these submissions. According to him, there are eye witnesses and since the applicant was also a part of an unlawful assembly, he was also equally responsible.

7. I have considered these submissions. As rightly submitted by the learned counsel for the applicant, the only role attributed to the applicant is of assaulting Ganesh. The injury certificate of Ganesh shows that he had suffered one simple abrasion with swelling on the left leg of the size 3cm x 2cm. It is a simple injury. Amongst the injured from the informant's group, Sandip had suffered serious head injury, but that is specifically attributed to Mohan; in the first part of the main incident. The applicant had come on the spot subsequently. Therefore, he can be roped in by invoking Section 149 of the I.P.C. The applicant's role

in this case can be separated. The eye witnesses Sandip, Vijay and Ganesh have described the incident in the same manner as is described in the F.I.R. Considering this situation, the applicant's role is minor and separate. Therefore, his custodial interrogation 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.775 of 2023 registered at Wai Police Station, Satara, 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 Applicant shall cooperate with the investigation.
- iii) The Application is disposed of.

**(SARANG V. KOTWAL, J.)**