

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

ANTICIPATORY BAIL APPLICATION NO.941 OF 2024

Yogesh Ashok Shitre Applicant
Versus
The State of Maharashtra & Anr. Respondents

Mr. Narendra Patekar, Advocate (appeared through VC) for the Applicant.

Ms. Poonam Bhosale,, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 08th APRIL, 2024

PC. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.99/2024 registered at Lonikand Police Station, Pune City on 4.2.2024 under Sections 447, 141, 143, 147, 148, 149, 352, 504, 506 of IPC and under Sections 3 & 25 of the Arms Act.

2. Heard Mr. Narendra Patekar, learned counsel for the Applicant and Ms. Poonam Bhosale, learned APP for the Respondent-State.

3. The FIR is lodged by one Chandrakant Kunjir. He has stated that he has a land admeasuring 1 H 40 R at village Kolwadi,

Haveli, Pune having Gat No.1155. The subject matter of the FIR is the incident dated 1.2.2024. At about 8.00 p.m. the informant along with his family and friends were sitting in his land and enjoying Hoorda party. At that time the accused including the present Applicant came there. They started abusing the first informant and his family. It is alleged that the Applicant removed the gun and pointed it towards the informant and threatened him. The others pushed the informant. The informant and his family and friends went away from the spot. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicant submitted that there was a dispute regarding the land. The Applicant is the bonafide purchaser and there is a civil suit bearing Regular Civil Suit No.990/2022 pending in the Court of Civil Judge, Senior Division, Pune in respect of that particular land. In this background, to give a serious colour to their dispute, this false FIR is lodged. The alleged incident is dated 1.2.2024 and the FIR is lodged on 4.2.2024. No explanation is offered for delay in lodging the FIR. The Applicant himself has lodged his own FIR being C.R. No.97/2024 on 3.2.2024 under Sections 447, 141, 147, 148, 149,

504, 506, 143 of IPC and under Sections 3 & 25 of the Arms Act. The allegations in that FIR are almost the same as the allegations in the present FIR.

5. Learned counsel for the Applicant relied on the order passed by this Court on 27.3.2024 in A.B.A. No.828/2024 in which four co-accused of the Applicant were granted anticipatory bail. He claimed parity.

6. Learned APP opposed these submissions. According to her, the Applicant's custodial interrogation is necessary to recover the gun. She produced the investigation papers before me.

7. I have considered these submissions. There are statements of Jaysing Undre, Swapnil Undre and Rakesh Tandale. They have stated that the quarrel was going on between the two groups and both the parties were threatening to lodge complaints against each other. They have specifically stated that there was no altercation or fight between the two groups and they have specifically stated that nobody had shown any gun to anybody.

8. There are allegations and counter allegations in both these complaints and the allegations are almost similar. Thus, it

appears that it was a simple case of quarrel between the two groups and the eye witnesses have supported the theory that it was a minor incident.

9. The earlier order dated 27.3.2024 gives reasons for granting anticipatory bail to the co-accused. The same reasons apply in the present case of the present Applicant. Considering this discussion, the Applicant deserves protection 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.99/2024 registered at Lonikand Police Station, Pune 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)

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by
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