

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 986 OF 2024

YUGANDHARA
SHARAD
PATIL

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1. Abhijeet @ Abhilash Hari Mote @Shete
2. Keshav Shivram Mote
3. Samarth Dnyanoba Mote Applicants

Versus
The State of Maharashtra Respondent

Mr. Jaydeep D. Mane (appeared through VC) , for the applicant.
Smt. M.H. Mhatre , APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE : 17th APRIL, 2024

PC. :

1. The Applicants are seeking anticipatory bail in connection with C.R No. 175 of 2024, registered at Sadar Bazar Police Station, Solapur, on 11/03/2024, under Sections 326, 324, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and under Section 4 and 25 of the Arms Act, 1959.

2. Heard Mr. Mane, learned counsel for the Applicant and Smt. Mhatre learned APP for the Respondent-State.

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3. The FIR is lodged by one Ashwinkumar Shevate. He has stated that on 10/03/2024, accused Ajay Mote abused the informant's daughter. There was a quarrel. As the informant questioned him, Ajay got angry. He went away and again came back with his companions including the Applicant's uncle Keshav and one Abhijeet. It is alleged that the informant and his son were assaulted with iron rod and iron pipe. After they suffered injuries, Applicant No. 3 Samarth came there and he assured the other accused that he would take care of the allegations. On this basis the FIR is logged.

4. At the outset learned counsel for the Applicants submitted that he is not pressing this application for Applicant Nos. 1 and 2 and that the Court may consider this application only for the Applicant No. 3.

5. Learned APP submitted that there are allegations against the Applicant No. 3- Samarth also. He had instigated the

other accused.

6. I have considered these submissions. Since the learned counsel for the Applicants is not pressing this application for Applicant Nos. 1 and 2, I am not discussing the material against them. As far as the Applicant No. 3- Samarth is concerned, as rightly submitted by learned counsel for the Applicant, he had come at the spot after the informant and his son were assaulted. The investigation papers included statement of eye witnesses Manish, Yuvraj and Sangita. All of them have described the incident of assault. They have added that at that time the Applicant No. 3 came there and said that they should continue beating the other side and that he would take care of the consequences. All these statements show that the Applicant No. 3- Samarth had come subsequently. He was not carrying any weapon. He had not given any blow. He had not even assaulted the others.

7. In this view of the matter, the Applicant No. 3-

Samarth can be protected by way of anticipatory bail. Hence the following order.

ORDER

- (i) The Application on behalf of Applicant Nos. 1 and 2 is rejected as not pressed.
- (ii) In the event of arrest of Applicant No. 3- Samarth Mote, in connection with C.R No. 175 of 2024, registered at Sadar Bazar Police Station, Solapur, the Applicant No. 3 is directed to be released on bail on his executing PR. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)