

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

ANTICIPATORY BAIL APPLICATION NO. 995 OF 2024

Chandrakant Mahadeo Kunjir

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Sujay H. Gangal for Applicant.

Smt. M. H. Mhatre, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 15 APRIL 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.97 of 2024 registered at Lonikand Police Station, Pune city, on 03.02.2024, under sections 141, 143, 147, 148, 149, 447, 504 and 506 of the Indian Penal Code and U/s.3 and 25 of the Arms Act.

2. Heard Mr. Sujay Gangal, learned counsel for the applicant and Smt. Mhatre, learned APP for the State.

3. The F.I.R. is lodged by one Yogesh Shitre. He has stated that, he along with his partners had purchased a land admeasuring

41R at Gat No.1155, at village Kolavdi, in February 2024. They had sold 4R of land and remaining 16R was available for sale. On 01.02.2024, at about 7:00p.m. he had gone to that land to show it to his friend Sachin Gujar. At that time, the applicant along with two male and three women were present at the spot. The applicant threatened the first informant. One of those unknown persons removed a gun and showed it to the informant. He threatened the informant. Therefore, the informant went away from there. All the accused threatened and abused him. He has stated that, though, the incident had taken place on 01.02.2024, since he was scared, he went to the police station on 03.02.2024 and the offence was registered at 10:47p.m.

4. Learned counsel for the applicant submitted that the applicant himself had lodged his F.I.R. vide C.R.No.99 of 2024 at the same Lonikand police station under the same sections. The applicant has stated in his F.I.R. that on 01.02.2024 he along with his friends and family members were having *hurda* party in his land at about 8:00p.m. At that time, the informant Yogesh and five others came there. The informant Yogesh in this case removed a

gun and pointed to the present applicant. He was threatened. Therefore, the applicant and others ran away. On these allegations, the applicant himself had lodged his F.I.R. Learned counsel submitted that, there is case and cross case and the applicant is falsely implicated.

5. Learned APP produced the investigation papers before me. There are statements of independent eye witnesses.

6. I have considered these submissions. The allegations made in the F.I.R. against the present applicant and in the F.I.R. lodged by the present applicant are almost similar. Therefore, the statements of the independent eye witnesses are important. Those witnesses are Rakesh Tambe, Swapnil Undre and Jaysingh Undre. All of them have described incident which they could see. They have stated that, there was verbal altercation between the two groups and both the groups were threatening to lodge complaints against each other. These witnesses have categorically stated that, there was no fight between the two groups and there were no abuses exchanged between the two groups. Importantly, these

witnesses have stated that, nobody had pointed any firearm to the opposite group. Considering these statements of the independent eye witnesses, the applicant can be protected U/s.438 of the Cr.p.c.

7. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.97 of 2024 registered at Lonikand Police Station, Pune city, 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 Application is disposed of.

(SARANG V. KOTWAL, J.)