

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

ANTICIPATORY BAIL APPLICATION NO. 1175 OF 2024

Gajanan Mahadev Vavare ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Anant Vadgaonkar for Applicant.
Mr. Nitin B. Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 29 APRIL 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.13 of 2024 registered at Salgar Vasti Police Station, Solapur City, on 07.02.2024, under sections 143, 147, 149, 294, 307, 385 and 506 of the Indian Penal Code.
2. Heard Mr. Anant Vadgaonkar, learned counsel for the applicant and Mr. Nitin Patil, learned APP for the State.
3. The F.I.R. is lodged by one Avinash Gavhane. He has stated that the informant was having a small unit in his agricultural land to make *rangoli*. One Bhiva Vavare was asking for money for permitting the informant to continue with his unit. It is

alleged that Bhiva was in the habit of threatening and abusing the villagers. The informant's cousin Nitin Gavhane was a member of the Gram Panchayat. The Gram Panchayat had passed a resolution to place a water tank in the central place of the village, but the applicant's group was not agreeable to that proposal.

4. On 05.02.2024, a gram sabha meeting was arranged. At that time, there was a quarrel between the two groups. It is alleged that the accused including the present applicant were present there. One Prabhu Rathod held the informant. The co-accused Bhivaji abused him and tried to give a blow with a cutter. The informant avoided that blow. It landed on his hand causing bleeding injury. The others assaulted him with kicks and fist blows. The allegations against the applicant are that, he tried to throw a big stone towards the informant, who swayed away. The stone did not hit him. The others intervened and the accused went away. On these allegations the F.I.R. was lodged.

5. Learned counsel for the applicant submitted that the F.I.R. is politically motivated. The Gram Panchayat had passed a

resolution to place that water tank at a particular place. The informant and his cousin were not agreeable to that proposal. He submitted that the F.I.R. is highly exaggerated. The informant has not suffered any serious injury. Even as per the F.I.R., the applicant has not caused any injury. Learned counsel for the applicant relied on the orders passed in A.B.A.No.705 of 2024, A.B.A.No.757 of 2024 and A.B.A.No.809 of 2024. Therein, all those co-accused were granted protection U/s.438 of the Cr.p.c.

6. Learned APP opposed these submissions. The investigating officer is not present, however, the facts and the material are reflected in the previous orders mentioned herein above.

7. Therefore, I have considered these submissions. As mentioned in the earlier orders, there were eye witnesses namely Shrikant Patil, Dattatraya Chavan and Nitin Gavhane. They have supported the F.I.R. The description in their statements is similar to F.I.R. The informant had suffered five blunt traumas on the skull, chest, abdomen, right arm and left clavicle. All these injuries were

simple injuries. The injury on the right arm was of the size 2cm x .1cm. It was a laceration and a minor injury. As mentioned in the earlier orders, it was difficult to observe that, either the offence U/s.307 or U/s.326 of the I.P.C. was made out. The applicant was supposed to have thrown a stone, but it did not hit the applicant. Beyond that, no role is attributed to the present applicant. He has not caused any injury. Therefore, principle of parity applies to him. 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.13 of 2024 registered at Salgar Vasti Police Station, Solapur 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.)