

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1610 OF 2024**

Vikas Dattatray Popale ... Applicant
vs.
The State of Maharashtra ... Respondent

Ms. Neha Ramesh Kokare for applicant.

Mr. Balraj Balkrishna Kulkarni, APP for respondent-State.

Mr. N. D. Kokare, Police Head Constable, Sangola Police Station, District Solapur Rural.

CORAM : MANISH PITALE, J.

DATE : 18th JUNE, 2024

P.C. :

. Heard Ms. Kokare, learned counsel for the applicant and Mr. Kulkarni, learned APP appearing for respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0285 of 2024 dated 07.04.2024 registered at Sangola Police Station, District Solapur Rural for offences under Sections 452, 324, 323, 504 and 506 read with Section 34 of Indian Penal Code, 1860 (IPC).

3. The allegation against the applicant and the co-accused persons is that they reached the house of the informant in the night between 06.04.2024 and 07.04.2024 and at about 03:00 a.m., the applicant pulled out the informant from his house and then all the accused persons allegedly assaulted the informant. It is alleged in the statement leading to registration of FIR that the applicant, who is the cousin of the informant, had a quarrel

with the informant on 03.04.2024 on a petty matter and thereafter, he committed the aforesaid act alongwith the co-accused persons. The assault is alleged to have been carried out by means of fists and kicks and also by means of an iron rod.

4. The learned counsel for the applicant, at the outset, informs this Court that by order dated 13.06.2024, the Court of Additional Sessions Judge, Pandharpur has allowed the applications for anticipatory bail filed by the two co-accused persons. It is submitted that the role attributed to the applicant in the present case, is only of having allegedly pulled out the informant from his house and therefore, the present application deserves to be allowed. It is further brought to the notice of this Court that the applicant is a physically challenged person and in that regard, copy of certificate issued by Sassoon General Hospital, Pune is annexed at Exhibit C with the present application.

5. The learned APP submits that the statement of the informant clearly shows that the applicant was present at the spot of the incident and that he pulled out the informant from his house and further that the applicant, alongwith the co-accused persons, assaulted the informant. Attention of this Court is invited to the injury report prepared during the course of investigation, which indicates that the injuries were caused by hard and blunt objects. On this basis, the prayer made in the present application is opposed.

6. This Court has perused the material on record. The applicant is the cousin of the informant and the co-accused persons are the son and son-in-law of the applicant. It is undisputed that by order dated 13.06.2024, the Court of Sessions Judge, Pandharpur has granted anticipatory bail to the aforesaid two co-accused persons by imposing appropriate conditions.

7. A perusal of the statement leading to registration of FIR shows that according to the informant, in the backdrop of a quarrel that took place between the informant on 03.04.2024, on the date and time of the incident, the applicant alongwith the co-accused persons, reached the house of the informant. The specific role attributed to the applicant is that he abused the informant and pulled him out of the house. Thereafter, general allegations of assault have been made against all the three accused persons. The injury certificate indeed shows that the informant suffered injury by means of hard and blunt objects, but it is relevant to note that in the column of remarks, it is recorded that the assault was by wooden stick and chain at around 03:30 a.m. on 07.04.2024. The statement of the informant leading to registration of FIR refers to assault only by fists and kicks and iron rod. *Prima facie*, there appears to be variance in the statement made before the police and the remarks in the injury certificate.

8. Apart from this, the co-accused persons, who allegedly carried out the assault, have been already granted anticipatory bail by the Sessions Court. Therefore, this Court is inclined to allow the present application.

9. At this stage, the learned APP submitted that there is material to show that the applicant has been threatening the informant, including registration of NCR against the applicant at the behest of the informant on 23.04.2024. The apprehension expressed by the learned APP can be addressed by imposing appropriate condition, while granting anticipatory bail.

10. In view of the above, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0285 of 2024 dated 07.04.2024 registered at Sangola Police Station, District

Solapur Rural for offences under Sections 452, 324, 323, 504 and 506 read with Section 34 of IPC, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- (Rupees Fifty Thousand only) and one surety in the like amount.

- (ii) The applicant shall remain present before the Investigating Officer on 24.06.2024 and thereafter, as and when the Investigating Officer calls upon him to remain present.
- (iii) The applicant shall not enter Solapur District, except for appearing before the Investigating Officer.
- (iv) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- (v) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

11. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

12. Needless to say, the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

13. The application stands disposed of.

(MANISH PITALE, J)