

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1987 OF 2024

Avinash Tukaram Sawant ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Sanad Vijay Desai a/w. Sanjay Khale and Mr. Siddharth Khedekar for Applicant.

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

CORAM : MANISH PITALE, J.
DATE : JULY 26, 2024

P.C. :

. Heard Mr. Khale, learned counsel for the applicant and Mr.Kulkarni, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.1079 of 2024 dated 03.06.2024 registered with Kankavali Police Station, District - Sindhudurg, for offences under Sections 143, 147, 148, 149, 307, 323, 324, 354 and 504 of the Indian Penal Code, 1860 (IPC) and Sections 37 and 135 of the Maharashtra Police Act, 1951.

3. The FIR pertains to an incident that occurred on 03.06.2024 in the context of a meeting of Grampanchayat. It appears that the co-accused Ganesh Maruti Sawant wanted to initiate discussion on a particular issue and it formed the backdrop for the alleged incident of violence. According to the informant, the said accused Ganesh Maruti Sawant used a knife to assault the victim, resulting in injuries. As regards the applicant, although in the format of the FIR, name of the applicant does not feature despite the fact that ten persons have been named as accused, the statement of the informant leading to registration of the FIR, indeed

names the applicant and attributes a particular role to him along with few other persons. This Court is informed that subsequently, name of the applicant is formally added as an accused in the FIR.

4. The learned counsel for the applicant submits that the only role attributed to the applicant is that he along with some other persons allegedly assaulted the informant by way of fists and kicks. It is submitted that there are no corresponding bodily injuries suffered by the informant and the allegation itself is of a general and vague nature. It is submitted that the applicant is a member of the Grampanchayat and in the light of the general chaos that prevailed during the course of the incident, such an allegation has been made against the applicant. It is submitted that the applicant is ready to co-operate with the investigation and therefore, this Court may consider allowing the application.

5. On the other hand, the learned APP submits that other similarly situated accused persons have already been arrested. The applicant is a member of Grampanchayat and there is every likelihood of the applicant influencing the witnesses, considering the nature of the incident. It is further alleged that the presence of the applicant is clearly established, even on the basis of the statement of the informant.

6. This Court has considered the material on record, including an order dated 28.06.2024 passed by the Sessions Court, whereby one of the co-accused persons has been granted bail. While passing the said order, the Sessions Court has referred to the investigation papers and statements of witnesses, finally concluding that there was no specific role or involvement of the accused, who was eventually granted bail.

7. This Court is of the opinion that considering the nature of general allegations made against the applicant in the present case of having assaulted the informant by way of fists and kicks, it would be

appropriate that the investigation papers are perused, particularly the statements of witnesses. Till such time, as the applicant undertakes to co-operate with the investigation, interim relief can be granted. As regards the apprehension about the applicant being member of the Grampanchayat and possibility of the applicant influencing witnesses, appropriate stringent conditions can be imposed.

8. In view of the above, the following interim order is passed:-
 - A. Till the next date, in the event the applicant is arrested in connection with FIR No.1079 of 2024 dated 03.06.2024 registered with Kankavali Police Station, District - Sindhudurg, he shall be released on bail on furnishing PR Bond of Rs.25,000/- [Rupees Twenty Five Thousand only] with one or two sureties in the like amount;
 - B. The applicant shall not enter District Sindhudurg during the pendency of the present application, except for remaining present before the investigating officer, as directed below;
 - C. The applicant shall appear before the investigating officer on 29.07.2024 and 30.07.2024 between 10:00 a.m. and 12 noon and thereafter as and when required by the investigating officer;
 - D. The applicant shall co-operate with the investigation;
 - E. The applicant shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.
9. Needless to say, violation of any of the aforesaid conditions may result in this order being recalled.
10. List the application for further consideration on 06.08.2024 on the

supplementary list.

11. On the next date of listing, the learned APP shall keep the investigation papers ready for perusal of the Court.

(MANISH PITALE, J.)

Minal Parab