

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2041 OF 2024

Vishal Balasaheb Kedari	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Shailesh Kharat for Applicant.
Ms. Megha Bajoria, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : AUGUST 20, 2024

P.C. :

. Heard Mr. Kharat, learned counsel for the applicant and Ms.Bajoria, learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0080 of 2024 dated 24.01.2024 registered with Wanwadi Police Station, District Pune City, for offences under Sections 143, 147, 149, 323, 341, 354 and 354-B of the Indian Penal Code, 1860 (IPC).

3. The informant has alleged that on the date and time of the incident, in the backdrop of a dispute pertaining to the construction being undertaken by the applicant, who is a building contractor, certain women bouncers, allegedly engaged by the applicant, inflicted physical injuries on the informant, leading to registration of the aforesaid FIR.

4. The learned counsel for the applicant submits that there is no allegation about the applicant having inflicted any injuries on the informant or others. The genesis of the dispute is the claim of the rival parties on a plot and floor space index (FSI) pertaining to the same. It is submitted that in the backdrop of the dispute, which is essentially civil in

nature, the aforementioned allegations have been made. Since the applicant is ready to co-operate with the investigation, this Court may show indulgence.

5. On the other hand, the learned APP submits that the nature of dispute is such that there is every possibility of such incidents happening in the future also. The applicant had no business engaging bouncers so as to threaten the informant and others. It is submitted that this Court may consider the said aspect of the matter while disposing of the present application.

6. This Court is inclined to allow the present application, for the reason that even as per the informant, there is no specific overt act of physical assault levelled against the applicant. The allegation is that, it was on the directions of the applicant that the lady bouncers assaulted the informant, resulting in registration of the offences. The dispute appears to have its roots in the competing claims being made with regard to part of the plot of land, on which the applicant is undertaking the construction activities as he is a builder. The said dispute appears to be civil in nature. The incident in question has happened in the backdrop of such a dispute.

7. Considering the role attributed to the applicant and the genesis of the dispute, this Court is inclined to allow the present application, subject to appropriate conditions being imposed upon the applicant.

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

- A. In the event the applicant is arrested in connection with FIR No.0080 of 2024 dated 24.01.2024 registered with Wanwadi Police Station, District Pune City, he shall be released on bail on furnishing PR Bond of Rs.50,000/- [Rupees Fifty

Thousand only] with one or two sureties in the like amount;

- B. The applicant shall remain present before the investigating officer between 10:00 a.m. and 12 noon on 22.08.2024 and thereafter as and when required by the investigating officer. He shall co-operate with the investigation;
- C. The applicant shall not engage bouncers or any such persons, which may lead to the law being taken into their hands, despite the fact that the dispute is civil in nature;
- D. The applicant shall take all necessary steps to sort out the dispute by taking such steps as available in law before the competent civil court, if so required;
- 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 would make the applicants liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

10. The application is disposed of.

(MANISH PITALE, J.)