

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

ANTICIPATORY BAIL APPLICATION NO. 2333 OF 2024

Nandu Somnath Savane

...Applicant

Versus

The State of Maharashtra

...Respondent

- Ms. Saima Ansari a/w Mr. Anil Kumar Bagul, for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent.
- Mr. Shrikrishna Deokar, H.C. Bhigwan Police Station.

CORAM : MANISH PITALE, J.

DATE : 05th SEPTEMBER, 2024.

P. C. :

1. Heard Ms. Ansari, learned counsel for the applicant and Mr. Sonavane, learned APP for the State.

2. The applicant apprehends arrest in connection with First Information Report No.0204 of 2024 dated 05.06.2024, registered with Bhigwan Police Station, District Pune Rural, for offences under Sections 143, 147, 323, 327, 452, 504, 506 and 384 of the Indian Penal Code, 1860 (IPC), as also under Section 135 of the Maharashtra Police Act, 1951.

3. At the outset, learned counsel for the applicant submits that two co-accused persons were granted anticipatory bail by this Court by order dated 21.08.2024 passed in Anticipatory Bail Application Nos.2165 of 2024 and 2166 of 2024. Relief in the present application is claimed on the basis of

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parity.

4. The applicant has been arraigned as an accused person along with others on the basis of a statement of the informant Anita Bhadgar. It is alleged that on the date and time of the incident, the applicant along with co-accused persons had dinner at a restaurant run by the informant and her sons. They refused to pay the entire bill, which led to an altercation. Thereafter, the applicant along with co-accused persons went to the residence of the informant and threatened the informant and her sons. It is alleged that the accused persons demanded amount of ₹ 5,000/- towards extortion. In the process, they snatched cash amount and gold *mangalsutra* of the informant.

5. The learned counsel for the applicant submits that the subject FIR is clearly an afterthought and a counterblast to an earlier FIR registered at the behest of the co-accused Rushikesh Savane. It is submitted that the aforesaid earlier FIR describes the manner in which the incident actually occurred. In the said FIR, it is recorded that the sons of the informant herein, after the accused persons had dinner at the restaurant, misbehaved with them, abused them in the name of their caste and even assaulted the informant therein i.e. Rushikesh Savane, leading to injury. After the said FIR was registered on 05.06.2024 at 4:50 hours in the morning, as an afterthought, the subject FIR was registered on the same day in the evening at 17:38 hours. On

this basis, it is submitted that this Court may consider allowing the present application.

6. The learned APP has opposed the present application and he submits that the applicant and other accused persons claimed to be individuals who were dominant in the area. It was submitted that this was indeed a case of cross FIRs.

7. This Court finds that there are two versions of the said incident. The subject FIR registered at the behest of the informant herein is registered subsequently i.e. after about 12 hours of registration of the earlier FIR. One of the co-accused persons in the present FIR is the informant in the earlier FIR. The injury certificate brought to the notice of this Court indicates that the informant therein indeed suffered injury, which is relatable to the manner in which the assault was made.

8. In that light, there appears to be substance in the contention raised on behalf of the applicant that the present FIR could be said to be an afterthought and a counterblast. In any case, the allegations in the present FIR are general in nature and it is alleged that gold *managalsutra* of the informant along with cash was snatched and taken away.

9. The applicant before this Court has not been attributed with any

specific role and therefore, this Court is inclined to allow the present application.

10. 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.0204 of 2024 dated 05.06.2024, registered with Bhigwan Police Station, District Pune Rural, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- [Rupees Twenty Five Thousand only] with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall remain present before the Investigating Officer on 09th September, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer. He shall cooperate with the investigation.
- (C) The applicant shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.

11. Needless to say, violation of any of the aforesaid conditions would

make the applicant liable to face proceedings for cancellation of anticipatory bail.

12. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

13. The application is disposed of.

(MANISH PITALE, J.)