

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

ANTICIPATORY BAIL APPLICATION NO. 2393 OF 2024

Rushikesh Somnath Savane @ Rushi

Somnath Savane

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Anilkumar Damodar Bagul for the Applicant.

Mr. Tanveer Khan, APP for Respondent-State.

Mr. A. M. Shelke, P.C., Bhigwan Police Station.

CORAM: MANISH PITALE, J.

DATE : 10th SEPTEMBER 2024

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant apprehends arrest in connection with FIR No. 0204 of 2024 dated 5th June 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 three co-accused persons were granted anticipatory bail by this Court by order dated 21st August 2024 passed in Anticipatory Bail Application Nos. 2165 of 2024 and 2166 of 2024 and order dated 5th September 2024 passed in Anticipatory Bail Application No. 2333 of 2024. Relief in the present application is claimed on the

basis of 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 applicant. 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. the applicant, leading to injury. After the said FIR was registered on 5th June 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. The applicant in the present application is the informant in the earlier FIR. The injury certificate brought to the notice of this Court indicates that the applicant 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. 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 5th June 2024, registered with Bhigwan Police Station, District Pune Rural, he shall

be released on bail on furnishing P.R. 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 12th 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.

10. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail.

11. 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.

12. The application is disposed of.

MANISH PITALE, J.