

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

ANTICIPATORY BAIL APPLICATION NO. 2337 OF 2021

Chandrakant @ Shrinivas Sambhaji

Kate

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Ranjeet M. Pawar for the Applicant.

Mr. Y.M. Nakhwa, APP for the State.

CORAM: SARANG V. KOTWAL, J.

DATED : 30th SEPTEMBER, 2021.

P. C. :-

1. The Applicant is seeking Anticipatory Bail in connection with C.R.No.428/2021 dated 08/08/2021 registered at Baramati City Police Station, Pune under sections 143, 147, 148, 149, 324, 327, 363, 342, 504, 506 of the Indian Penal Code.

2. Heard Mr. Ranjeet M. Pawar, learned counsel for the Applicant and Mr. Y.M. Nakhwa, learned APP for the State.

3. The First Information Report (for short 'FIR') is lodged by Santosh Bhosale. He has stated that there was some dispute between the first informant and one Hanumant Suryawanshi. The informant was told to

pay Rs.50,000/- to Hanumant Suryawanshi. There was some quarrel about that. It is alleged that at that time, the informant was threatened. On the same date, at about 08:00 p.m., Hanumant Suryawanshi's son Swapnil called the informant telephonically. The informant told him that he would meet him on the next day. The informant had gone to MIDC for dinner. He came back at 09:45 p.m. When he was proceeding on his motor cycle, Swapnil, Nikhil and six other persons came there. Nikhil and Swapnil picked up quarrel with him. They abused, threatened and assaulted the first informant. Swapnil removed Rs.9,000/- from the informant's pocket and then he was taken to other place. There he was forced to apologize to Hanumant Suryawanshi. There also he was assaulted. Specific role is given to Nikhil Suryawanshi. There are general allegations against Swapnil and other six who assaulted the informant with kicks and fist blows. On this basis, the FIR is lodged.

4. Mr. Ranjeet Pawar, learned counsel for the Applicant submitted that he is not concerned with the main incident. The allegation was that Swapnil had parked his own bike at some place which was then removed by the Applicant. It is submitted that the allegations of removal of money from informant's pocket was against Swapnil.

Therefore, the Applicant was not involved in the main dispute and he can be protected by an order of Anticipatory Bail.

5. Learned APP produced investigation papers before me. He submitted that the co-accused have named the Applicant as a person who had instigated the other accused. He submitted that there is statement of one witness who had seen the accused Swapnil parking his motor cycle at the place from where it was taken by the Applicant.

6. I have considered these submissions and in particular, I have perused the injury certificate. The injury certificate mentions that the injured had suffered two abrasions, one was on occipital region and other one on mastoid region. Both the injuries are described as simple injuries. Considering the allegations mentioned in the FIR, the medical record does not support the allegations of severe assault. In any case, minor role is attributed to the Applicant in respect of the removing of Swapnil's motor cycle. Allegations in the statements of the co-accused do not seem probable because the Applicant had no dispute with the first informant or his family. Swapnil and his brother Nikhil had grudge against the first informant. In this background, the Applicant's custodial interrogation is not necessary. He can be protected by an

order of Anticipatory Bail. Hence, the following order :-

ORDER

(a) In the event of his arrest in connection with C.R.No.428/2021 dated 08/08/2021 registered at Baramati City Police Station, Pune, the Applicant is directed to be released on bail on furnishing P. R. bonds in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(b) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

(c) Application stands disposed of accordingly.

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(SARANG V. KOTWAL, J.)