

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1141 OF 2015

Sanjay Manohar Dongare

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.A.B. Thorat for the Applicant

Mr.S.S. Pednekar APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **AUGUST 7, 2015**

P.C.:

1. This is an application for anticipatory bail as the applicant/accused is apprehending arrest in C.R. No.127 of 2015 registered with Mohol police station, Solapur for the offences punishable under sections 307, 327, 143, 144, 147, 148, 149 of the Indian Penal Code. The offence was registered at the instance of one Sanjay Bhange who is the injured. It is the case of the prosecution that the incident of assault has taken place on 8.4.2015 at around 8.15pm when the complainant was sitting in the courtyard of his house and at that time, one co-accused Manohar Dongre and other co-accused including the applicant/accused who is the son of Manohar Dongre, arrived there. They were all armed with weapons. They questioned the complainant as to why he was working with some other political party and suddenly started assaulting him. The applicant/accused

and his brother assaulted the complainant with sword. He fell down. The father of the complainant intervened. At that time, the co-accused Rajan assaulted him with sword on his face. The sister of the complainant who had intervened, was also assaulted with fists and kick blows. The assailants, robbed her of gold Mangalsutra and also took away her gold chain and wrist watch. Hence, the offence was registered.

2. The learned Counsel for the applicant/accused has submitted that the applicant/accused is innocent. He has not committed any offence. He is falsely implicated out of political rivalry. He submitted that the injuries caused to the persons are simple in nature and he has not assaulted Ashok Bhange. The injuries of Sanjay Bhange are not grievous.

3. Learned Prosecutor has opposed the bail application. He pointed out that the learned Sessions Judge has rejected the bail application though the chargesheet was filed. He relied on the injury certificates of Ashok Bhange and Sanjay Bhange.

4. Perused the FIR and the order passed by the learned Sessions Judge. The learned Sessions Judge has rightly observed that if evidence is collected then the supplementary chargesheet can be filed. The role of the applicant/accused *prima facie* is evident and it does not appear that he is falsely implicated due to political rivalry. The injury certificates of Ashok Bhange disclose that he has sustained three fractures on his face. This

cannot be simple injury. In the circumstances, I am not inclined to grant pre-arrest bail.

5. The application is, therefore, rejected.

(MRS.MRIDULA BHATKAR, J.)