

Anand

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

ANTICIPATORY BAIL APPLICATION No.174 OF 2016

Sunil Ravindra Kajale .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Yogita Deshmukh i/b. Mr.Rupesh Zade,
Advocate, for the Applicant
Mr.D.P.Adsule, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 16.03.2016

P.C.

. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.398 of 2015 registered with the Baramati Taluka Police Station, Pune (Rural), for the alleged offences punishable under Sections 324, 326, 363, 367, 504, 506 r/w.34 of the Indian Penal Code.

2. The incident in question has taken place on 18.11.2015 at about 9.30 p.m.. It is

alleged by the Complainant-Sachin Dharma Mane, that when he and his friend-Anil Chavan had gone to the house of the Applicant, for returning a sum of Rs.900/-, which was taken as a hand loan, co-accused Sushil questioned the Complainant, as to why he had insulted his brother Sunil i.e. the Applicant and started hurlings abuses. It appears that thereafter, Ajay joined him, compelled the complainant to sit on their motor cycle between Sushil and Ajay and took him towards Rui village. It is stated that thereafter, the Applicant and Uddhav Patil came to the spot. It is specifically alleged by the Complainant, that the Applicant alongwith co-accused Sushil & Ajay, armed with Koytas used for Sugarcane cutting, started assaulting him on his arms, stomach and thigh etc., as a result of which he sustained grievous injuries. He has alleged that thereafter, two unknown persons came to the spot and threatened to throw him in Ujani canal.

3. Learned counsel for the Applicant submitted that a perusal of the FIR shows that it is a false FIR lodged as against the applicant.

4. Perused the FIR. The Complainant has specifically attributed an overt act to the Applicant, inasmuch as, he is alleged to have been armed with a Koyta used for Sugarcane cutting and he is alleged to have assaulted the Complainant. A perusal of the Injury Certificate of Sachin Dharma(Complainant) Mane shows the following injuries:-

(i) Oblique incised wound at left parietal region of face. Muscle deep base of ear lobule separated or cut bleeding;

(ii) Oblique incised wound of 12cm x 1cm x 1cm at left side of submandibulare region. Muscle deep bleeding;

(iii) Multiple abrasion & contusion all over body – left arm left side of abdomen, chest, left side, left thigh;

(iv) 2 incised wound on laterala palmar aspect of proximal phalanx of right index finger.

5. Considering the aforesaid, prima facie, this is not a fit case to grant anticipatory bail to the Applicant. Accordingly, the Anticipatory Bail Application stands rejected.

6. If an Application for regular bail is filed, the same shall be considered on its own merits uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)