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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1332 OF 2016

Satyawan @ Balbhim @

Akash Gorakh Gadge

.... Applicant

V/s.

The State of Maharashtra

.... Respondent

Mr. Ritesh Thobde, for the Applicant.

Mrs. M.M. Deshmukh, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 5th AUGUST, 2016.

P.C. :

1. The applicant/accused, in crime No.259 of 2016, for the offence punishable under Sections 326, 324, 323, 504, 506, 143, 147, 149 of the Indian Penal Code, registered with Karmala Police Station, District: Solapur, by this application is praying for anticipatory bail.

2. Heard the learned counsel appearing for the applicant/accused. He argued that the role attributed to the present applicant in the crime in question is assaulting Santosh by stone. The learned counsel further argued that the applicant is student prosecuting his studies and therefore, his liberty needs to be protected.

3. The learned APP opposed the application by contending that

applicant with co-accused have formed unlawful assembly with common object of rioting and thereby causing injuries to members of prosecuting party.

4. Perused the papers of investigation, so also F.I.R. lodged by Kantilal Anubhule. It is seen that when informant Kantilal and his brother Santosh alongwith the others were doing the manuring operations in their field, the present applicant alongwith co-accused went that field and started abusing the informant as well as Santosh. Thereafter according to prosecution case, accused persons started assaulting the informant and his brother Santosh by means of axes and sticks. It is averred that the present applicant had assaulted Santosh by means of stone.

5. Perused the injury certificate. Santosh has suffered fracture on his skull apart from the other injuries. Informant Kantilal has also suffered several injuries. Prima facie it appears that the present applicant was member of the unlawful assembly which indulged in rioting and ultimately causing grievous hurt to injured Santosh. No case for anticipatory bail is made out. Application is rejected.

[A. M. BADAR, J.]