

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1378 OF 2016

SHASHIKANT NATHUJI WAKODE)...**APPLICANT**

V/s.

THE STATE OF MAHARASHTRA)...**RESPONDENT**

Ms.Anjali Awasthi, Advocate for the Applicant.

Mrs.Rutuja Ambekar, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 11th AUGUST 2016

PC. :

1 Applicant Shashikant Wakode involved in Crime No.142 of 2016 registered with Deonar Police Station, for the offences punishable under Sections 307, 323, 504 and 506 (II) read with Section 34 of IPC, has sought anticipatory bail.

2 Heard learned counsel for both the sides. Learned counsel for applicant has submitted that according to report lodged by Salman Khan, who claims to be an eye witness to the incident, only role attributed to applicant is of he instigating his sons, who are co-accused, and as such, has submitted that applicant is not the author of any of the injuries sustained by injured Vikas. It is further submitted that according to remand application filed on arrest of co-accused persons,

it is stated that the sword involved in this crime is made available to co-accused by co-accused Ashok Chopde, which statement in remand application is therefore submitted to be contrary to the contents of report wherein it is stated by the complainant that co-accused Milind arrived on the spot with sword in his hand. An attempt is therefore made by learned counsel for applicant to establish that report is silent about sword being provided to Milind by co-accused Ashok Chopde, as stated in remand application.

3 I have perused the contents of report as well as remand application dated 14th June 2016 and it is stated that according to report, co-accused Milind and Marshal are stated to have arrived on the spot having armed with sword and chopper respectively. There is no reference of co-accused Ashok in the FIR, nor he is stated to be present on the spot at the time of incident. In that view of the matter, there is no question of said co-accused Ashok supplying sword to co-accused Milind. On the contrary, from the remand application, it is noted that during the course of interrogation of arrested accused, it revealed that sword involved in this crime is provided by co-accused Ashok to applicant Shashikant Wakode, and in that reference Ashok came to be arrested.

4 On perusal of complaint, it reveals that incident took place on 11th June 2016 at 11.30 p.m. when complainant and his friend Vikas Tiwari were present in front of Govandi station, when there arose quarrel between them and accused Siddhant Wakode and in short time, his brothers accused Milind and Marshal arrived in having armed with

sword and chopper along with their father applicant, who instigated them to open the assault and accordingly, Milind and Marshal committed assault by sword and chopper on head of Vikas, due to which he sustained bleeding injuries. When complainant intervened, he was manhandled by applicant by fist and kick blows. It is further found from the report that applicant also instigated accused Siddhant Wakode to commit assault by stones on Vikas, which act is accordingly performed by accused Siddhant Wakode.

5 Material contents of report corroborate with the statement of injured as well as medical papers where from it is found that immediately after the incident, Vikas was referred to hospital on 11th June 2016 at 11 pm where he is certified to have sustained multiple CLWs on forehead, head and CLW on right elbow. He is also certified to have sustained large hematoma over right temporo parietal admeasuring 5 x 7 cm, and CLW over right scapula.

6 Having considering statement of complainant as well as that of injured Vikas Tiwari, together with medical papers, prima facie case is made out against the applicant. Application is liable to be rejected. Hence the following order :

Application is rejected.

(P. N. DESHMUKH, J.)