

vks

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
***CRIMINAL APPELLATE JURISDICTION***  
**CRIMINAL APPLICATION NO.497 OF 2014**

The State of Maharashtra ..... Applicant  
V/s.  
Baburao Sambhaji Patil and anr ..... Respondents

Mrs. Veera Shinde, APP for the Applicant State.

**CORAM : A. M. BADAR, J.**

**DATE : 28th JULY, 2016.**

**P.C. :**

1. This application by by the State is for cancellation of anticipatory bail granted to respondents, in crime No.49 of 2014, for offence punishable under Sections 354, 397 read with 34 of the Indian Penal Code, on 23.3.2014, registered with police station Ajara, District: Kolhapur.

2. The learned APP argued that statement of the Doctor, who was the Medical Officer, shows that he was not aware about actual physical presence of respondent No.1 Baburao Sambhaji Patil at Maher Hospital, Ajara. The learned APP argued that submission of certificate goes to show that both respondents were very much present on the spot of incident and the impugned order is perverse. The perusal of the F.I.R. shows that informant Nirmala Tambekar stated that on 22.5.2014,

applicants have assaulted her as well as her sister-in-law Vanita, when they were removing grass from the cattle shed. The assault is stated to be by means of sticks. It is averred that accused Suresh i.e. respondent No.2 had taken out Mangalsutra from the informant as well as her sister-in-law Vanita.

3. Perused the impugned order. The learned Additional Sessions Judge, while granting anticipatory bail, relied on the medical certificate issued by Maher Hospital, Ajra, showing that the daughter of accused Baburao Patil was taking treatment in that hospital. The learned Additional Sessions Judge, also placed reliance on the copy of the roznama in Summary Case No.65681 of 2012, to infer that accused Suresh Patil, who is advocate by profession was present at Thane.

4. The statement of Doctor, relied by learned APP merely shows absence of personal knowledge of the Doctor regarding presence of accused Baburao Sambaji Patil at the hospital at Ajra. Perusal of the order does not show that same is either perverse or unreasonable. The learned Additional Sessions Judge has also kept I mind the nature of accusation against both applicants before him,.

5, No case for interference in the impugned order is made out. The application is, therefore, rejected.

**[A. M. BADAR, J.]**