

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1724 OF 2017

Nagnath Suresh Madbhavi alias Solapure .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. V. V. Phatate, Advocate, for the Applicant

Mr. N. B. Patil, APP, for the Respondent No.1 – State

Mr. Suresh Shah, Advocate, for the Respondent No. 2

CORAM : A.S.GADKARI, J.

DATE : 23.11.2017

P.C.

. This is an Application under Section 438 of Cr. P.C. for anticipatory bail in CR No. 367 of 2017 registered with Valsang Police Station, Solapur (Rural) under Sections 327, 341, 324, 504, 506 r/w 34 of the Indian Penal Code.

2. The first information report is lodged by Shri Mahesh M. Vadgaonkar on 08.08.2017 stating that at the mediation of the Applicant, the first informant executed a Sale Deed in favour of his uncle Siddharam B. Vadgaonkar for an amount of Rs. 6,00,000/- pertaining to his agricultural field with a condition that after a period of four years, the said Siddharam will redeem the said land in favour of the

first informant. That on the day of incident, the Applicant alongwith two other persons obstructed the way of first informant by their motor cycle and questioned the first informant as to why he is demanding his agricultural field back. At that time, some altercation took place and thereafter, the Applicant abused and assaulted the first informant with a knife which was with the Applicant. The other two accused persons namely Vishwanath S. Vadgaonkar and Bhimashankar S. Vadgaonkar assaulted the first informant with fist and kick blows. The first informant, thereafter, took medical treatment and subsequently, lodged the present crime.

3. Perused the record of investigation.

It is the specific prosecution case that the Applicant with the aid of knife assaulted the first informant on his right arm, left thigh and back for the reasons noted hereinabove. The Medical Certificate issued by Shri Chattrapati Shivaji Maharaj Sarvoupchar General Hospital, Solapur clearly corroborates the version of first informant. The first informant has received 2 CLWs with abrasion and blunt trauma. It appears from the said Certificate that the first informant was unconscious for some time. That the first informant was admitted in the hospital on 04.08.2017 and was discharged on 06.08.2017 and thereafter, the present crime is registered on 08.08.2017. Thus, prima

facie, it appears that the delay in lodging the first information report is duly explained by the first informant.

The record indicates that by an Order dated 29.09.2017, the Applicant was granted interim relief by this Court and he was directed to attend the investigating officer on stipulated period and to join the process of investigation. The record of investigation reveals that though the Applicant attended the investigating officer, he did not co-operate in the process of investigation, inter alia the recovery of knife used in the present crime could be effected at his instance in the said period. The weapon used by the Applicant i. e. the knife is yet to be effected and same is not possible without there being custodial interrogation of the Applicant.

4. After taking into consideration the serious allegations against the Applicant and the gravity of offence, this Court is of the view that the Applicant does not deserve to be protected by way of pre-arrest bail.

5. Application is accordingly rejected.

(A.S.GADKARI, J.)