

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

ANTICIPATORY BAIL APPLICATION NO.2181 OF 2017

Pratap Shashikant Desai Applicant
 Vs.
The State of Maharashtra Respondent

Mr. Abhijit B. Desai a/w Mr. Prasanna Bhangale for the Applicant.
Mr. S.H. Yadav, APP for the State.
Mr. H.P. Kumbhar, PN, Juna Rajwada Police Station, Kolhapur/

Coram : Smt. Sadhana S. Jadhav, J.
Date : 15th December, 2017

P.C.:

1 Heard the learned counsel for the applicant and the
learned APP. Perused the papers of investigation.

2 This is an application under Section 438 Code of Criminal
Procedure. The applicant herein is apprehending his arrest in Crime
No.374 of 2017, registered at Juna Rajwada Police Station, District
Kolhapur, for the offences punishable under Sections 307, 504, 506,
323 read with 34 of Indian Penal Code.

3 It is the case of the prosecution that on 20th November, 2017, Yogesh Raghunath Khandekar was taken to C.P.R. Hospital, as he had sustained injuries. Upon enquiry, he had disclosed that on 19th November 2017, he had been to attend the birthday celebration to his friend Amol Chavan. When he was returning home at about 8.30 pm., he was apprehended by Pratap Desai, Ganesh Patil and Mansing Powar, who had abused him on the ground that he had entered into their lane and thereafter the present applicant had assaulted him with a sharp edged knife, which was used for breaking coconuts. It is alleged that the associates of the present applicant had assaulted the complainant with bamboo.

4 Perused the papers of investigation. The injury certificates would show that the complainant had sustained contused lacerated wound on his forehead, which was simple in nature and a contusion on the shoulder, which was allegedly given by hard and blunt object

5 The learned counsel for the applicant submits that in view of the injury certificates, it cannot be said that the applicant had committed an offence under Section 307 Indian Penal Code. The applicant has no criminal antecedents. It appears that there was trifling quarrel between two groups. In the given facts of the case, the applicant deserves to be granted pre-arrest bail.

6 However, it is made clear that the observations made hereinabove are prima facie in nature. The learned Sessions Court shall not be influenced by the above observations at the time of hearing the application for discharge or quashing of FIR or at the time of trial. The same be decided on its own merits. Hence, the following order is passed :

ORDER

1 The application is allowed.

2 In the event of arrest in Crime No.374 of 2017, registered at Juna Rajwada Police Station, District Kolhapur , the applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

3 The applicant shall report to Juna Rajwada police station on every Sunday between 10.30 am. to 1.00 pm. till filing of the charge-sheet.

The application is accordingly disposed of.

(*Smt. Sadhana S. Jadhav, J*)