

Sarnobat

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

ANTICIPATORY BAIL APPLICATION NO. 761 OF 2018

Sunil Jagannath Jadhav. & Anr. .. Applicants.
Vs.
The State of Maharashtra. .. Respondent.

Mr. Sanjeev Kadam i/by Mr. Sachin Keru Hande, for the Applicants.
Mr. Y. M. Nakhwa, APP for the Respondent.
Mr. V. M. Vir, HC, Jath Police Station, Sangli.

CORAM : P. N. DESHMUKH, J.

DATE : 18th APRIL, 2018.

P. C. :

1. Heard learned counsel for applicants and learned APP. Perused case diary. By this application both the applicants who are Assistant Teachers and being sub teacher seek anticipatory bail in the crime No. 56/2018 registered for the offence under Section 307, 324, 143, 147, 148, 149, 504, 506 of IPC and under Section 4, 25 of Arms Act by Jath Police Station, District Sangli. According to the applicants the incident involves number of assailants and as such no specific assault can be attributed to applicants and has therefore, submitted that even if any injuries are sustained by complainant, applicants alone cannot be author of such injuries. By pointing the report it is further submitted that

as per its contents co-accused Milind Patil is attributed to assault on head by sword which was evaded by the complainant by his right hand. It is also contended that as per the documents seeking custody remand of other co-accused, weapons sticks and iron rods are already seized and has therefore, submitted that since both the applicants are in service as teachers and are falsely implicated on political rivalry by the complainant, they be protected by grant of anticipatory bail by imposing suitable conditions to facilitate investigation.

2. Learned APP opposed application and has submitted that applicants involvement is established from the eye witnesses statement and had further contended that complainant has sustained three fracture injuries and therefore, contended that, merely because applicants are teachers by profession is no ground to protect them. The application therefore, be rejected.

3. In the background of submissions advanced as aforesaid, perusal of report of Ravindra Sawant reveals that on 5th March, 2018 at around 11.30 pm when he was present with his friend Vasant Sawant both the applicants along with 7/8 other co-accused persons arrived on motorcycle having armed with sticks and rods and assaulted complainant. Applicant No. 1 Sunil Jadhav is attributed with assault by iron rod and No. 2 by stick. As per report, the assault is on both the hands, back and on head. Perusal of Medico Legal certificate by

Medical College of Sangli, dated 13th March, 2018 reveals that on medical examination of complainant he was found having swelling on right forearm, right hand and abrasions and bruises over the back and shoulder and was suspected fracture injury on ulna shaft and was thus advised 'X' rays of right hand. No X-rays reports are forming part of case diary. Contents of statement of eye witness Vasant Sawant shows involvement of applicants having armed with iron rod and stick respectively and alleged to commit assault on complainant. The report as well as statements by the eye witnesses, do not establish any specific role to any of the applicants as they are stated to be part of group of assailants who are 7 to 8 as per report and about 25 to 30 as per history given by complainant to the Medical Officer.

4. In view of facts as aforesaid thus it cannot be said that applicants are authors of any specific injuries sustained by complainant. Moreover, further documents filed with the application, applicant No. 1 is found working as assistant teacher in school at Sangli while applicant No. 2 is working as sub-teacher in New English School, Nigadikhurd, Taluka Jath and as such there is no possibility of applicants fleeing from justice. In that view of the matter and as applicants' involvement appears to be generalized as aforesaid and no custodial interrogation of applicants is found necessary, applicant is allowed by imposing conditions as per order below;

ORDER

- (i) In the event of arrest of applicants in Crime No. 56/2018 registered with Jath Police Station, Taluka Jath, District Sangli, they shall be released on bail on their executing P.R. bond in the sum of Rs. 25,000/- each with one surety each in the like amount.
- (ii) While on bail applicants shall attend investigating officer on 21st and 22nd April, 2018 and thereafter, on 28th April, 2018 to 30th April, 2018 and then as and when called till filing of charge-sheet.
- (iii) Application is allowed in above terms.

[P. N. DESHMUKH , J.]