

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.941 OF 2018

Ramchandra Bhanudas Chavan	..Applicant
vs.	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.942 OF 2018**

Ganesh Ramchandra Chavan	..Applicant
vs.	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.943 OF 2018**

Rajabhau Ramchandra Chavan	..Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Anant Vadgaonkar for Applicants.
Mr.N.B. Patil, APP for Respondent.

**CORAM : P. N. DESHMUKH, J.
DATE : 4th MAY, 2018**

P.C.:

. Issue notice. Learned APP waives service for Respondent-State and seeks time to file reply. Perused case diary. As both these applications are arising out of C.R. No.196/2018 registered with Taluka Police Station, Pandharpur, same are considered together for the purpose of convenience.

2. Learned counsel for applicants submitted that complainant as well as his son Nanasahab have sustained simple injuries and has therefore submitted that there cannot be offence punishable under section 326 of IPC in this crime. It is further contended that even injuries sustained by injured

cannot be co-related with the weapons attributed to applicant Ganesh (ABA No.942/2018) and Rajabhau (ABA No.943/2018) respectively and has therefore submitted that applicant Ganesh and Rajabhau be protected by interim order. So far as applicant Ramchandra (ABA No.941/2018) is concerned, he be protected by interim order as even otherwise he is attributed with assault by kick blows only.

3. Learned APP opposed the applications submitting that injuries certified to have sustained by complainant and his son co-relate with the weapons used in assault which are sword and sattur and has therefore submitted that no case is made out for grant of anticipatory bail to applicants as weapons are required to be seized.

4. Perusal of report reveals that applicants Ganesh and Rajabhau arrived in the field of complainant having armed with sword and Sattur respectively and are stated to have committed assault on both legs of complainant below knees and on right leg of his son Nanasaheb below knee. Assault is attributed to applicant Ganesh and Rajabhau on complainant and his son. Contents of report as aforesaid is corroborated from the injury certificate. Though nature of injuries sustained is certified to be simple that by itself does not make out a case for grant of interim protection to applicants.

5. In view of fact that no satisfactory explanation is extended in favour of applicants for them to arrive at the spot, which is field of complainant having armed with dangerous weapons, no case is made out for grant of interim protection.

6. As aforesaid considering the role attributed to applicant Ramchandra (ABA No.941/2018) of his committing assault on complainant

by kick and fist blows, ABA No.941/2018 is liable to be allowed. Hence order:

ORDER

- i) ABA No.941/2018 is allowed. In the event of arrest of applicant- Ramchandra Bhanudas Chavan in C.R. No.196/2018 registered with Talukar Police Station, Pandharpur he shall be released on bail on his executing P.R.Bond in the sum of Rs.25,000/- with one surety in the like amount;
- ii) Applicant-Ramchandra Bhanudas Chavan shall attend Investigating Officer as and when called for a period of one week from 9/5/2018 and thereafter as and when called till filing of charge-sheet;
- iii) ABA No.941/2018 is disposed of in the above terms. ABA No.942/2018 and ABA No.943/2018 stand dismissed.

(P.N. DESHMUKH, J)