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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 142 OF 2018
WITH
CRIMINAL APPLICATION No. 90 OF 2018

Rajendra Pandurang Bhatale & Anr.	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent
And		
Asha Sunil Badadare	...	Applicant / Intervenor

Mr. A. P. Mundargi, Sr. Counsel i/b Abhishek Yende, for the
Applicants.

Mr. Styavrat Joshi, for Intervenor.

Mr. Y. M. Nakhwa, APP for the Respondent – State.

CORAM : P. N. DESHMUKH, J.

DATE : MARCH 7, 2018

PC :-

1. Heard learned counsel for Applicants, learned counsel for Intervenor and learned Additional Public Prosecutor. This is an application for grant of anticipatory bail in C. R. No. 140 of 2017 registered with Radha Nagri Police Station for offences under Section 307, 143, 147, 148, 149, 326, 325, 323, 506 read with 34 of Indian

Penal Code and under Section 25(1)(c) of the Arms Act.

2. Learned counsel for Applicants submitted that incident took place during the procession which was taken out after election of Gram Panchayat and in said procession some quarrel and assault took place for which three separate FIRs were registered, out of which present application arose from C. R. No. 140 of 2017. C. R. No. 137 of 2017 is lodged by Janardan Patil, who is one of the members of other party and C. R. No. 147 of 2017 is registered on the basis of report lodged by Suresh Savane who is co-accused in C.R. No. 140 of 2017. It is submitted that since from three reports, it can be said that both parties were active in committing assault against members of other parties and as in the present crime, there are in all 5 accused, out of which accused Nos. 3, 4 and 5 are already released on bail, Applicants be protected from arrest by imposing suitable conditions to attend the Investigating Officer in detecting the crime.

3. Learned APP, on the other hand, submitted that role attributed to both Applicants is serious as against co-accused Nos. 3, 4 and 5, who having been arrested, and released on bail. In the report wife of complainant has stated that complainant informed her that that

both accused have committed assault on him by sword, fist and kick blows. Learned APP, therefore, submitted that application is liable to be rejected as Applicant No. 1 Rajendra, even otherwise, is a criminal element, and apart from present crime, offence is registered against him vide C. R. No. 129 / 2014 by the same police station and criminal case is pending.

4. Having considered submissions advanced as aforesaid, on perusal of reports, it is material to note that report is lodged by wife of injured Sunil and as per contents of report, Sunil informed her while he was in ambulance on the way to hospital that he was assaulted by both Applicants by sword. She further stated that Sunil informed her that Applicants came with swords and Applicant Rajendra gave blow of sword on his head, he also received blow of sword by Applicant No. 2 Ananda on his left hand. Role attributed to other co-accused, as stated by learned APP, is comparatively lesser, as according to complainant, injured has informed her that other co-accused assaulted him by fist and kick blows.

5. In view of involvement of Applicants as aforesaid, and perusal of injury certificate since reveals that victim was admitted as

an indoor patient from 17.10.2017 to 2.11.2017 for having sustained grievous injuries on head, described as CLW over parietal region and CLW over occipital region and as is also certified to have sustained fracture to his right hand thumb and right forearm. It is found that in the assault committed by Applicants, apart from sustaining two injuries on head, Sunil has sustained 3 fracture injuries which are all certified to be grievous.

6. Having considered available evidence against Applicants, no case is made out for grant of anticipatory bail. Application is, therefore, dismissed.

7. In view of this order, Criminal application No. 90 of 2018 filed for intervention is accordingly disposed off.

Sd/-
[P. N. DESHMUKH, J.]

Vinayak Halemth