

Sarnobat

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

ANTICIPATORY BAIL APPLICATION NO. 739 OF 2018

Suhas Laxman Shinde.	.. Applicant.
Vs.	
The State of Maharashtra.	.. Respondent.

Mr. Balwant Salunke i/by Ms. Nirmala Bhosale, for the Applicant.
Mr. Y. M. Nakhwa, APP for the Respondent.

CORAM : P. N. DESHMUKH, J.

DATE : 18th APRIL, 2018.

P. C. :

1. Heard the learned counsel for applicant and learned APP. Perused the case diary. It is submitted on behalf of applicant that in fact applicant himself is injured in the incident which took place on the same day i.e. on 18th February, 2018 of which report is lodged by applicant's brother upon which crime No. 121/2018 is registered under section 307, 504, 506 r.w. 34 of IPC. Learned counsel for applicant in support of said submissions relied upon injury report of applicant issued by Ruby Hall Clinic according to which he is certified to have sustained stab injury on the middle aspect of left thigh and has therefore, submitted that since applicant himself is injured in an assault, he be protected from his arrest as even otherwise the iron rod which is attributed to applicant to have used by him while committing

assault on complainant Keshav Shinde, is seized from co-accused who are arrested and are released on bail.

2. Learned APP submitted that the injuries sustained by complainant Keshav Shinde is grievous and can be directly attributed to the applicant. In the background of submissions and perusal of report lodged by the complainant reveals that on 18th February 2018 applicant along two co-accused and 4/5 others intercepted complainant and after pulling him out of his Car man handled by fist blows and kick blows and in the course of same transaction applicant committed assault on the head of complainant by iron rod due to which he sustained bleeding injury. Perusal of CT scan report of complainant established mild diffusion generally closed Edima on the head. The medical officer had certified injury sustained by complainant as grievous one, causing Edima to the brain. Considering the gravity of injuries sustained by complainant, though it is submitted on behalf of applicant that accused involved in Crime No. 122/2018 registered on the basis of report lodged by Keshav Shinde are protected by interim orders, injuries sustained in that crime are admittedly simple in nature. In that view of the matter, custodial interrogation of applicant is found necessary. Application is therefore, rejected.

[P. N. DESHMUKH , J.]