

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

ANTICIPATORY BAIL APPLICATION NO.1273 OF 2018

Anil Rajendra Shinde		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

**ALONGWITH
ANTICIPATORY BAIL APPLICATION NO.1223 OF 2018**

Hari Vijaykumar Nayar		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Satyavrut Joshi for the Applicants.
Mr. N.B. Patil, APP for the State in ABA No. 1273 of 2018.
Mr. S.R. Agarkar, APP for the State in ABA No.1223 of 2018.

Coram : ***Smt. Sadhana S. Jadhav, J.***
Date : 11th July, 2018

P.C.:

1 Heard the learned counsel for the applicants and the learned APP.

2 These are the applications under Section 438 Code of Criminal Procedure. The applicants herein are apprehending their

arrest in Crime No.262 of 2018, registered at Pimpri Police Station, Pune, for the offences punishable under Section 307 read with 34 of Indian Penal Code and under Section 4 read with 25 of the Indian Arms Act.

3 It is the case of the prosecution that on 20th April 2018, Vilas Madhukar Chandanshive was admitted in Ayush Hospital, Pimpri, Pune as he had sustained injuries on his head. Being a medico legal case, his statement was recorded. He has disclosed that he had quarrel with the applicant Hari Nayar a few days ago as he had taken away the cellphone of the complainant. Thereafter the applicant, Hari Nayar had threatened him of dire consequences. On 20th April 2018, in the evening after 5.00 pm., the complainant was in the company of his nephew, Pranit Gaikwad at that time, both the applicants had approached him. That Hari Nayar had informed Anil Shinde that the complainant is in habit of quarrelling with his mother. That Hari Nayar went to his house and brought a sickle and inflicted a blow on the head of the complainant. It is alleged that at

the relevant time, the applicant Anil Shinde had caught hold of the complainant in order to facilitate the assault.

4 Perused the papers of investigation. Injury Certificate indicates that the complainant had sustained contused lacerated wound on his head, which was 7 cm. long, 2 cm. wide and 1.5 cm. deep to skull bone. The CT scan shows that he had sustained commutated displaced fracture of right frontal bone. The act of assault has been attributed specifically to the applicant, Hari Nayar . Learned APP however submits that the applicant Hari Nayar has criminal antecedents. As far as the applicant, Anil Shinde is concerned the allegation is that he had facilitated the assault. In view of the role attributed to the applicant Hari Nayar, his Application No.1223 of 2018 seeking pre-arrest bail stands rejected.

ORDER

1 Anticipatory Bail Application No. 1273 of 2018 is allowed.

2 Anticipatory Bail Application No. 1223 of 2018 stands rejected.

3 In the event of arrest, the applicant- Anil Rajendra Shinde be enlarged on bail on furnishing P.R. bond in the sum of Rs.30,000/- with one or more solvent sureties in the like amount.

4 The applicant- Anil Rajendra Shinde shall not reside in the municipal limits of Pimpri-Chinchwad, Pune till filing of the charge-sheet.

(Smt. Sadhana S. Jadhav, J)