

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

ANTICIPATORY BAIL APPLICATION NO.774 OF 2019

Dhanaji Dadaso Barkade & Ors.	..	Applicants
Vs.		
State of Maharashtra	..	Respondent

Mr.Rahul K. Dhaygude of the applicants.
Ms.S.S. Kaushik, APP for respondent-State.
Mr.M.R. Bambale, HC, Satara Taluka Police Station.

CORAM : P.N. DESHMUKH, J.
DATE : 24th April 2019

P.C.:

1. Heard learned counsel for applicants and learned APP for respondent-State. Perused the case diary.

2. Learned counsel for applicants does not press application for applicant nos.1 and 3 as pending this application, they are arrested. Record reveals that applicant no.2 Shriniwas was granted interim protection as he was to appear for his exam which was from 8th April 2019 to 20th April 2019.

3. Application is thus further considered with reference to applicant no.2 only. Learned counsel for applicant submitted that from

contents of report lodged by Sharada, only overt act attributed to applicant no.2 is of assault by him on left leg of Baburao who is complainant's husband by iron rod. Admittedly, Baburao had sustained simple injuries as revealed from injury report.

4. Learned APP had contended that apart from causing injuries to Baburao, applicant no.2 Shrinivas has also committed assault on complainant Sharada and to support this statement, has referred to one document in which he had assaulted complainant Sharada on her ankle. However, it is material to note that Sharada in her report, had not attributed any assault to her by applicant no.2 Shrinivas. In that view of the matter and though as per complainant's injury certificate, she is stated to have sustained blunt trauma on her ankle. In view of above contents of her report, there is nothing to hold that injury to her ankle is by applicant no.2 Shrinivas alone more particularly, as according to report, complainant was assaulted by about 8 persons, out of which, 4 are unknown persons. In that view of the matter, interim order dated 29th March 2019 is liable to be confirmed as per order below :-

ORDER

(i) Order dated 29th March 2019 stands confirmed with further direction to applicant no.2 to attend Investigating Officer on 5th May

2019 and 7th May 2019 between 10.00 a.m. to 1.00 noon and thereafter as and when called till filing of charge-sheet;

(ii) Application is disposed of in above terms.

P.N. DESHMUKH, J.