

ANTICIPATORY BAIL APPLICATION NO.1028 OF 2019

Kalyanrao Gulab Deshmukh & Anr. Applicants
versus
The State of Maharashtra Respondent
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- CORAM : SARANG V. KOTWAL, J.**
DATE : 13th JUNE, 2019

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.26/19 registered with Atpadi Police Station, Sangli, under sections 326, 452, 504 r/w 34 of the Indian Penal Code.
2. The FIR Is lodged on 07/02/2019 by one Tushar Vilas Deshmukh. According to him, on that day at about 11.30 a.m. they had gone to his Aunt's house for having lunch. He was accompanied by his cousin brother. At that time, his other

cousin Kalyanrao and nephew Shambhuraje, who are present Applicants along with one Yuvraj entered the house with iron rods and axe and on some previous grudge assaulted the first informant. It is mentioned in the FIR that the Applicant No.2 assaulted the first informant on head with an iron rod and the Applicant No.2 assaulted him with wooden handle of an axe on his left leg, right hand, back and ribs. Yuvraj had held his hands. After that they went away. Based on these allegations FIR was lodged.

3. Heard learned Counsel Ms.Rati Sinhasane and Mr.S.H. Yadav, learned APP for the State.
4. Learned Counsel for the Applicants submitted that the allegations in the FIR are not supported by the injury certificate. The Applicants are falsely implicated in this case. In any case FIR is based on a petty offence. Hence custodial interrogation of the Applicants is not necessary.
5. Learned APP produced medical certificate in respect of first informant. Injury certificate shows that there are three simple injuries on the head and there is swelling and tenderness

over elbow joint. None of the injuries are described as grievous injuries. Therefore, prima facie, offence under section 326 of IPC is not attracted. The allegations in the FIR appear to be exaggerated. The first informant has stated that he was assaulted all over the body including back and ribs. However no such injuries are reflected in the injury certificate. In this background, the Applicants have made out the case for anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.26/19 registered with Atpadi Police Station, Sangli, the Applicant are directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, with one or two sureties each, in the like amount.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)