

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

ANTICIPATORY BAIL APPLICATION NO.1278 OF 2019

Sharad Haibati Talekar & Ors.

.... Applicants

versus

The State of Maharashtra

.... Respondent

- Mr. Mahindra B. Deshmukh, Advocate for the Applicants.
- Ms. S. S. Kaushik, APP for the State/Respondent.
- Mr. Madhukar K. Pawar, ASI, Shahuwadi Police Station present.

CORAM : SARANG V. KOTWAL, J.

DATE : 8th JULY, 2019

P.C. :

1. The applicants are seeking anticipatory bail in connection with C.R. No.161/2019 registered with Shahuwadi Police Station, Kolhapur under Section 143, 147, 452, 324, 323, 504, 506, 144, 148, 326 r/w. 149 of IPC.

2. The FIR is lodged by one Ananda Talekar. The FIR is lodged on 1/5/2019. It is mentioned in the FIR that on 28/4/2019, in the morning, at around 6.00 a.m., the first informant was sleeping in his house. At that time, somebody

knocked on the door. When the first informant opened the door, applicant Nos.1 and 2 entered their house. Applicant No.1 assaulted the first informant by sword on the head. When he tried to protect himself, applicant No.2 assaulted him with a stick on his hand and back. When first informant raised shouts, his other family members came there. They informed him that other accused Dilip, Chandrakant, Sadashiv, Sudanda, Malubai and applicant No.3 had also entered their house and assaulted other family members of the first informant and had gone away. Based on these allegations, the FIR is lodged.

3. Heard Mr. Deshmukh, Ld. Counsel for the applicants and Ms. Kaushik, Ld. APP for the State.

4. Mr. Deshmukh submitted that the FIR itself mentions that the first informant had given his earlier statement on 28/4/2019. That statement was not part of the first information report. He submitted that C.R. Nos.156/2019 and 157/2019 are lodged by the applicant's group against the first informant's group and therefore, as a counter blast present FIR is lodged against the

present applicants.

5. As against this, Ld. APP produced the medical certificate in respect of injuries suffered by the first informant. The medical certificate shows that the first informant had suffered five injuries. Two of which were described as grievous injuries. Out of them one was on the head having dimension of 5 cm x 1 cm. The incident as described by the first informant has taken place which has resulted in a head injury to the first informant.

6. I have perused the statement of first informant. It was recorded on 28/4/2019. In that statement, the first informant has narrated the incident as mentioned in the statement dated 1/5/2019. However, the weapon attributed to the applicant No.1 was a wooden stick instead of sword. However, such discrepancy, at this stage, will not make any difference because the injury is a grievous head injury of the dimensions mentioned earlier. Thus, the offence of serious nature is made out from the allegations. However, there is no specific role attributed to the applicant No.3. The FIR mentions a part of another incident wherein the name of

applicant No.3 is mentioned and in that part also there is no serious role against the applicant No.3. Therefore, I am inclined to grant anticipatory bail to the applicant No.3 only. Hence, the following order.

ORDER

1. The application for Applicant No.1 Sharad Haibati Talekar and Applicant No.2 Vilas @ Yuvraj Ananda Talekar is rejected.
2. In the event of his arrest in connection with C.R. No.161/2019 registered with Shahuwadi Police Station, Kolhapur, the Applicant No.3 Umaji Lakshman Talekar is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)