

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

ANTICIPATORY BAIL APPLICATION NO. 1792 OF 2019

Mr. Vikas Vishnu Ghorpade	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Mahendra V. Shingade, Advocate for Applicant.
Mr. Prashant Jadhav, APP for the State/Respondent No.1.
Mr. Sanjiv P. Kadam I/b. Prashant Raul, for Respondent No.2.
Mr. M. S. Patil, PSI, Wathar Police Station present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 17th SEPTEMBER, 2019**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 118 of 2019 registered with Wathar Police Station, Satara, under sections 307 and 504 of the Indian Penal Code.

2. On 18/07/2019, the FIR is lodged by one Sopan Ghorpade. He has stated in his FIR that, on 17/07/2019, at about 4.00p.m. he had come back to his house from his agricultural field. At that time, the applicant came near him and suddenly assaulted

him with iron rod. The informant tried to evade the blow and the blow landed behind his ear. He was assaulted on his left thumb. He suffered bleeding injury behind his ear. Thereafter the applicant left the place. The informant was taken to the Civil Hospital, Satara and then he lodged his FIR.

3. Heard Mr. Mahendra V. Shingade, learned counsel for the Applicant, Mr. Prashant Jadhav, learned APP for the State/Respondent No.1 and Mr. Sanjiv P. Kadam, learned counsel for the Respondent No.2.

4. Ld. Counsel for the applicant submitted that the incident as described in the FIR is improbable. There is no reason mentioned in the FIR as to why the assault had taken place. The offence is not serious and the injuries are not grievous.

5. Learned counsel for the intervener, as well as, learned APP submitted that the offence U/s.307 of the IPC is applied in this case. They, therefore, submitted that the applicant does not

deserve protection of anticipatory bail.

6. I have considered these submissions. From the FIR it is not clear as to why this incident had occurred and what was the exact nature of enmity between the informant and the applicant. The injury certificate shows that the informant had suffered three injuries; one was abrasion, second was contused lacerated wound on posterior surface of left ear and third was swelling in front of left ear. All the injuries are described as simple injuries. There was apprehension of hearing loss. The medical papers in respect of the treatment received are produced for my perusal. The medical papers clearly mentions thus:- "Bilateral hearing sensitivity within normal limit". Thus, there was no hearing loss. The injuries are described as simple injuries. The applicant has not given any other blow on any vital part of the informant. In this view of the matter, custodial interrogation of the applicant is not necessary and he can be protected by anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No. 118 of 2019 registered with Wathar Police Station, Satara, the applicant 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.
- (ii) The applicant shall attend the concerned Police Station from 01/10/2019 to 04/10/2019 between 01.00p.m. to 03.00p.m. and shall co-operate with the investigation. Thereafter the applicant shall attend the concerned police station as and when called.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)