

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1449 OF 2019

Gajendra Vishwanath Veer] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Akshay Gosavi, Advocate for the Applicant.

Ms. S.S. Kaushik, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 8th JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.275/2019 registered with Karmala Police Station, Solapur (Rural) u/sec. 307, 326, 341, 504, 506, 143, 147, 148, 149 of I.P.C. and u/sec. 135 of the Maharashtra Police Act.

2. The FIR is lodged by one Pradeep Kshirsagar. He has stated in his FIR that on 15/04/2019 he had gone to the pond in his village. He had licence to remove sludge-sand from the pond. The applicant's group was obstructing his work. On the date of incident, again they obstructed the present first informant from removing that sand. He tried telling them that he had a proper licence for the same. The

present applicant's group assaulted him with kicks and fist blows. One of the accused Prem @ Gotiram assaulted him with iron rod on his head. Tukaram and Krishna assaulted him with iron rod on his back and neck. Sudhir assaulted him with handle of the sword on his back and others assaulted him with wooden sticks. On the basis of these allegations, the FIR is lodged.

3. Heard Mr. Akshay Gosavi, Ld. Counsel for the Applicant and Ms.S.S. Kaushik, APP for the State/Respondent.

4. Ld. Counsel for the applicant submitted that the present applicant is 73 years of age and is suffering from partial blindness. The first informant has not attributed any serious role of assaulting the injured with any deadly weapon on any vital part.

5. As against this, Ld. APP pointed out that the first informant had suffered fracture of skull.

6. The assault on head was attributed to other accused Prem @ Gotiram. A general role is attributed to the present applicant. There are no other injuries attributed to the present applicant because the

medical certificate shows only two injuries, one was skull fracture and other was abrasions on face and thumb. Though all the accused had come together, considering the old age of the applicant and also taking into account the fact that, he is suffering from partial blindness ; on these grounds, I am inclined to grant protection of anticipatory bail to the present applicant. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.275/2019 registered with Karmala Police Station, Solapur (Rural), the Applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. The Applicant shall attend the concerned Police Station as and when called.
3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)