

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

ANTICIPATORY BAIL APPLICATION NO.2139 OF 2018

Raviraj Ramesh Thorvade

...Applicant.

Vs.

State of Maharashtra

...Respondent

**Mr. Karl P. Rustomkhan h/f Tejas Hilage, for the applicant.
Smt. A. A. Takalkar, for the State.**

CORAM : SARANG V. KOTWAL, J.

DATE : JUNE 03, 2019

P.C.:

1. The applicant is seeking anticipatory bail in connection with C.R. No.333/18 registered with Shivajinagar Police Station, District Kolhapur, under Sections 324 and 506 of IPC. Subsequently, on the basis of supplementary statement of the first informant, Section 393 of IPC was added.

2. The FIR is lodged on 17/9/2018 by one Ketan Fakirchand Shah. According to him, the present applicant gets loans sanctioned from various banks. For that purpose the first informant had paid him Rs.1,46,500/-. The applicant did not return the amount and loan was not sanctioned in favour of the first informant. When the first

informant confronted the applicant for repayment of his money, the applicant refused to pay. On 17/9/2018 when the first informant was present in his shop at around 11.00 a.m. the present applicant came to him and assaulted the first informant on his right ear with a thick bracelet which he was wearing on his wrist. The first informant suffered bleeding injury. On the basis of said allegations, the FIR was lodged.

3. The supplementary statement of the first informant was registered on 18/9/2018 wherein he stated that while committing that offence the first informant tried to remove his mobile phone and a cheque.

4. As can be seen that the allegations in respect of commission of offence punishable under Section 393 are introduced as an afterthought. As far as the injuries caused to first informant on 17/9/2018 are concerned, till today the Investigating Officer has not collected the injury certificate. Therefore, it is not possible to even infer that any offence as alleged was committed. The offence was registered on 17/9/2018 and for more than eight months the injury certificate could not be obtained by the Investigating Officer. The incident

appears to be a minor incident. In this view of the matter, the applicant deserves to be released on anticipatory bail. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R. No.333/18 registered with Shivajinagar Police Station, District Kolhapur, the applicant is directed to be released on bail on his executing P.R. Bond of Rs.25,000/- with one or two sureties in like amount.
2. The applicant shall attend Shivajinagar Police Station, Kolhapur from 17/6/2019 to 20/6/2019 between 3.00 p.m. to 5.00 p.m. and shall co-operate with the investigation.
3. The application is disposed of.

(SARANG V. KOTWAL, J.)