

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

ANTICIPATORY BAIL APPLICATION NO.428 OF 2019

Sachin Laxman Dhotre & Anr.

...Applicants

Vs.

State of Maharashtra

...Respondent

Ms. Sonu U. Sharma, for the applicants.

Mr. S. R. Agarkar, for the State.

CORAM : SARANG V. KOTWAL, J.

DATE : JUNE 24, 2019

P.C.:

1. The applicant is seeking anticipatory bail in connection with C.R. No.41/2019 registered with Sangavi Police Station under Section 326, 143, 147, 148, 149, 427 of IPC and under Section 37(1) r/w. 135 of Bombay Police Act.

2. The FIR is lodged by one Vishal Jadhav. According to him, on 8/1/2019, at around 9.30 p.m. when he was standing in front of his house with brother Rohit and Rupesh, about nine accused including the present applicant came there. One of the accused Suraj confronted the first informant and his brother in respect of breaking of windshield of his car. When talks were going on, suddenly the informant and his companion were assaulted by the accused with iron rod, wooden log

and stones. The first informant, his brother and Rupesh all suffered injuries. Rohit suffered injury to his eye which caused loss of partial eyesight. Rupesh has suffered head injury which is described as grievous injury in the medical certificate. Even the first informant has suffered injury to his legs.

3. Heard Ms. Sonu Sharma, Ld. Counsel for the applicants and Mr. Agarkar, Ld. APP for the State.

4. Ld. Counsel for the applicants submitted that the statement in the FIR are of general nature and no specific role is attributed to the present applicants. She further submitted that at least in the case of applicant No.2 there are no serious allegations in the FIR. As against this, Ld. APP pointed out that the statements of injured Rohit and Rupesh are recorded by the police during investigation. In both these statements specific role is given to the applicant No.1. The injured Rohit has stated that applicant No.1 had assaulted Rupesh on the head and he had assaulted the first informant also. Rupesh has also concurred and he has stated that applicant No.1 had assaulted him on head. Thus, serious role is attributed to the applicant No.1. The applicant No.2 had reached the spot alongwith other accused who were carrying deadly

weapons. Therefore, at this stage, it cannot be said that he did not share common object with other accused. The first information report also mentions that all the accused had taken part in the assault. Therefore, at this stage, it cannot be said that the applicants have not committed any serious offence. Custodial interrogation is necessary. The application is therefore rejected.

(SARANG V. KOTWAL, J.)