

HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 711 OF 2019

Smt. Papabai Uttam Thengil & Anr. ... Applicants

Versus

The State of Maharashtra ... Respondent

Mr. Rajaram V. Bansode, Advocate for the Applicants.
Mr. S.R. Agarkar, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 27th JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No. 12/2019 registered with Mhaswad Police Station, District Satara under Sections 307, 323, 504, 506, 109 read with 34 of I.P.C.. The FIR is lodged by one Jagannath Sopan Bhoite.

2. The first informant has mentioned in his FIR that there was dispute between his group and the applicant's group in respect of sugar cane crops which was grown in a piece of agricultural land. The incident had occurred on 18th January 2019 when the first informant and his mother were assaulted by the present applicants and two

others. It is his specific case that one of the accused namely Santosh assaulted him on his head with Axe and the present applicant had assaulted on middle figure on his right hand. The applicant no. 2 assaulted on the informant's shoulder. On these basis FIR is lodged.

3. Heard, Mr. Bansode, learned counsel for the applicant and Mr. Agarkar, learned APP for the State.

4. The learned counsel for the applicant pointed out that during the pendency of this application, the chargesheet is filed and he has produced the injury certificate from that chargesheet in respect of the first informant. A copy of that injury certificate is taken on the record and marked 'X' for identification. The learned counsel for the applicant categorically stated that the said certificate is from the investigation papers of the chargesheet filed in the lower court. Statement is accepted. The injury certificate shows that the first informant suffered two injuries, one on his head and other on the middle finger of the right hand. Thought the injury on the head is of 10 cm, that injury is not attributed to the present applicant. He further pointed out that in respect of the same incident, the applicant no. 2's son had lodged another FIR which is registered vide CR No. 13/19 and the main offence in that FIR is also under section 307 of the IPC.

5. The learned counsel for the applicant invited my attention to the medical papers annexed to this application in respect of the injuries suffered by the present applicant no. 2. The medical certificate is issued by Dr. Amit Zope attached to Star Imaging and Research Center. The medical papers show that the applicant no. 2 had suffered segmental depressed fracture on the frontal bone. Thus, it is clear that the applicant no. 2 had suffered very serious injury. Therefore, at this stage there is scope to believe that the first informant's report against the present applicant does not state the correct facts. Considering all these aspects, applicants have made out case for anticipatory bail. Hence, the following order:-

ORDER

1. In the event of their arrest in connection with C.R.No. 12/2019 registered with Mhaswad Police Station, the Applicants be released on bail on their executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties in the like amount.
2. Application stands disposed of.

(SARANG V. KOTWAL, J.)