

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

ANTICIPATORY BAIL APPLICATION NO.744 OF 2019

Sadashiv Wamanrao Thombre	 Applicant
versus	
The State of Maharashtra	 Respondent

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- Mr. Ghanasham S. Jadhav for Applicant.
- Mr. Prashant Jadhav, APP for the State/Respondent.
- Ramdas C. Palve, API, Kalamboli p.stn. is present.

CORAM : SARANG V. KOTWAL, J.
DATE : 11th JUNE, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.I 65 of 2019 registered with Kalamboli police station for the offences punishable under sections 324, 326, 143 r/w. 149 of the Indian Penal Code.

2. The FIR is lodged by one Samadhan Bandgar on 07/03/2019. In the FIR it is mentioned that two days prior to the incident there was some quarrel between the first informant's friend Sudhakar and one of the accused Sudhir Thombre. After

that incident, Sudhakar had lodged one N.C. against Sudhir Thombre. On 06/03/2019, at about 9.15p.m. The first informant and his friends were present near Kalbhairav Internet office, Kalamboli. Sudhir Thombre and others came there and assaulted them with stick and iron rods. The first informant had suffered injuries, his friend Akshay and Shivraj were also assaulted. On these allegations the FIR was lodged.

3. Learned APP has produced injury certificate of the first informant. The certificate shows that the first informant had suffered four injuries. He had suffered fracture at four places.

4. The investigation papers also contains statements of the injured eye witnesses Akshay and Shivraj. In both statements, these witnesses have stated that Sudhir Thombre with iron pipe and present applicant and others with iron pipe, bat, sticks and stump assaulted Samadhan and others.

5. Learned counsel for the applicant submitted that there is no specific role given to the present applicant and he is not alleged to have given any blow on the injured Samadhan.

6. At this stage, it is not possible to distinguish role of

each of the assailants. It is sufficient to observe that all the assailants came together with common object of assaulting the informant. In that assault the informant suffered four injuries and suffered fracture at four places, therefore, no case for anticipatory bail is made out. The offence is serious and needs custodial interrogation of the applicant.

7. Application is accordingly dismissed.

(SARANG V. KOTWAL, J.)