

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

ANTICIPATORY BAIL APPLICATION NO.1043 OF 2019

Hanmant Dharmu Shendage

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Umesh Mankapure, Advocate for Applicant.
- Mr.S.R. Aagarkar, APP for the State/Respondent.
- PSI Mr.Pravinkumar Kamble, Mahatma Gandhi Chowk Police Station, Sangli, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 10th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.70/19 registered with Mahatma Gandhi Chowk Police Station, District Sangli, under sections 302, 143, 149 of the Indian Penal Code.

2. The FIR is lodged on 12/03/2019 by Police Constable Sanjay Chavan. According to him, in the early hours on

12/03/2019 at about 02.40 a.m. about 7 to 8 persons were brought to police station by one Nitin Basgonda. Along with them, one person was brought whose hands were tied. His name was Dadu Hanmant Rathod. On enquiry, the said Dadu told police officers that he was brutally assaulted on the suspicion that he was stealing goats. Dadu was sent for medical treatment. On enquiry, names of nine persons were mentioned. One of them was the name of the present Applicant. The FIR further mentions that while taking treatment, Dadu succumbed to the injuries at 05.40 a.m. Therefore offence was registered under section 302 r/w 149 of the IPC.

3. Heard learned Counsel Mr.Mankapure for the Applicant and learned APP for the State.
4. Mr.Mankapure submitted that the FIR mentions that about 7 to 8 persons were brought to the police station. The present Applicant was not amongst them and since the assault was mounted by 7 to 8 persons only, the present Applicant,

would not have taken part in the assault. This submission cannot be accepted. At this stage, it is not possible to separate the role of the present Applicant. The Applicant is not arrested. At this stage, I am not inclined to grant the anticipatory bail to the present Applicant. The Application is therefore rejected.

(SARANG V. KOTWAL, J.)