

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

ANTICIPATORY BAIL APPLICATION NO.1135 OF 2019

Amar Suresh Rale	 Applicant
versus	
The State of Maharashtra	 Respondent

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- Mr.Satyavrat Joshi i/b. Mr.Sunil Kamble, Advocate for Applicant.
- Mr.V.B. Konde-Deshmukh, APP for the State/Respondent.
- Mr.S.D. Moghe, Head Constable, Chakan Police Station present.

CORAM : SARANG V. KOTWAL, J.
DATE : 24th MAY, 2019
(VACATION COURT)

P.C. :

1. This is an Anticipatory Bail Application filed by the applicant seeking anticipatory bail in connection with C.R.No.1179/18 registered with Chakan Police Station, Pune registered u/s 307, 143, 147, 148, 149, 323, 504 of the Indian Penal Code and 4 (25) of the Indian Arms Act.
2. The FIR in this case is lodged by one Amol Dyaneshwar Rale on 07/12/2018. According to him he along with his other friends were returning from Khed to Ghotwadi in an ST bus. The

bus was crowded and there was quarrel between one Somnath Bhujbal and Tejas Rale. When the bus reached village Koye at that time, the first informant and his friends were assaulted. It is further mentioned in the FIR that one Akash assaulted the first informant's cousin Rahul with sickle on his head from behind and the present Applicant assaulted with an iron rod and assaulted on his back and hands.

3. On these allegations, the FIR was lodged. The first informant gave his supplementary statement on 11/12/2018 wherein he improved his case and stated that Akash had no role to play. The first informant has sustained two injuries on head which required suturing.

4. Insofar as the role of the present Applicant is concerned, he is alleged to have assaulted Rahul Rale. The injury certificate of Rahul shows that he had suffered four injuries. There was contusion over forehead, one abrasion on right hand, one abrasion on forehead and one blunt trauma over left elbow.

5. There are statements of eyewitnesses Abhijit and Tejas. The statement of the injured Rahul Rale shows that he was assaulted by one Somanath with an iron bracelet which he was wearing on his hand. Rahul has further stated that the present Applicant tried to assault him with an iron rod, but he warded off the blow and therefore the rod hit his left hand.
6. Thus the injured Rahul to whom the Applicant had assaulted has stated that he had suffered one injury at the hands of the present Applicant. That injury was on left hand. The injury certificate shows that there was only blunt trauma near left elbow. Rahul has not attributed any further injuries to any assault attributable to the present Applicant.
7. Considering the fact that the first informant has improved his version and the fact that Rahul himself has attributed a very minor role to the Applicant resulting in a very minor injury on left elbow, I am inclined to grant anticipatory bail to the present Applicant.

8. It is also important to note that the investigation is already over and the charge-sheet is filed against the other accused. In these circumstances, following order is passed :

ORDER

- (i) The Application is allowed.
- (ii) In the event of his arrest in connection with C.R. No.C.R.No.1179/18 registered with Chakan Police Station, Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rs.Twenty Five Thousand) with one or two sureties in the like amount.
- (iii) The applicant shall attend trial Court on every date as is required in accordance with law.

(SARANG V. KOTWAL, J.)