

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1348 OF 2019

Janardan Govind Narale] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Rajas Naik, Advocate for the Applicant.

Smt. A.A. Takalkar, APP for the State/Respondent.

Mr. S.S. Kakade, PC 2512 attached to Mhaswad Police Station present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 25 JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.86/2019 registered with Mhaswad Police Station, District Satara u/sec. 307, 324, 323, 504, 506 r/w 34 of I.P.C.

2. The FIR is lodged by one Sachin Narale on 03/05/2019. He has described the incident dated 18/04/2019. According to him, at 8.30 a.m., on that day, he heard some shouts from behind his house. Therefore, he and his father went out to see the cause. At that time, he saw the accused Santosh assaulting Subhash with iron rod. The

accused Ishwar was assaulting Dwarkeshwar with sword. It is the case of the first informant that the present applicant was present there with sword and one more accused Laxman was present with iron rod. When the first informant tried to intervene, all the accused abused him. Accused Laxman assaulted him with iron rod on his chin. Santosh assaulted him with iron rod on his left ear. The informant's father was also assaulted. After that the injured were removed to hospital. Though the incident had occurred on 18/04/2019 and though there were eye witnesses, the FIR was lodged by the informant only on 03/05/2019. In the FIR, the applicant's name is mentioned. No other specific role is attributed to him.

3. Heard Mr. Rajas Naik, Ld. Counsel for the Applicant and Smt.A.A. Takalkar, APP for the State/Respondent.

4. Ld. Counsel for the applicant submitted that the applicant is not attributed any specific role. He is involved in the offence because of political rivalry.

5. Ld. APP produced the investigation papers before me. The

injury certificates show that the Dwarkeshwar had suffered two simple injuries. Subhash had suffered three simple injuries. However, the first informant Sachin has suffered two grievous injuries. One was fracture and the other was grievous injury. In the FIR, specific role of assault on first informant is given to Laxman and Santosh.

6. The investigating agency has recorded statements of three eye witnesses viz., Sunil Narale, Pandurang Narale, Sugriv @ Dwarkeshwar Narale. Dwarkeshwar was an injured eye witness. In all their statements, when they have described the actual incident even the presence of present applicant is not mentioned. Only in concluding lines, the name of the present applicant appears. Neither any specific nor any weapon is attributed to him. Even his presence is not clearly mentioned in the statement of the eye witnesses. In this view of the matter, at this stage the applicant has made out a case for protection of anticipatory bail. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.86/2019 registered with Mhaswad Police Station, District Satara, the Applicant be released on bail on his executing P.R. Bond in the sum of

Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)