

HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1460 OF 2019

Suresh Vitthal Mote and Ors. ... Applicants

Versus

The State of Maharashtra ... Respondent

Mr. Ghanshyam Jadhav I/b Mr. Devidas J. Jadhav, Advocate for the Applicants.

Ms. S. S. Kaushik, APP for the State/Respondent.

Mr. A. T. Darade, PC/2325, Baramati City Police Station.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 9th July, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with CR No. 407/19 registered with Baramati City Police Station under Sections 341, 323, 324, 326, 506, 506 read with 34 of the IPC. The FIR is lodged by one Chaya Mote on 23rd May 2019 in respect of the incident which had occurred at 8.30 in the morning on that day. According to her, she was going on motorcycle with her husband. When they were passing on the road near house of applicant no. 1, he intercepted them. He was having a wooden stick. Applicant no. 2 came

there with a sickle. It is further mentioned in the FIR that the applicant no.1 told the informant to withdraw the case of rape filed against him by them. He started assaulting informant's husband Santosh on his head. The first informant was also assaulted by applicant nos. 1 and 2. Applicant no. 3 came thereafter and pulled her hair and assaulted her. Thereafter, the informant's father-in-law and mother-in-law came there to intervene. The applicant no. 1 assaulted him on his ribs and knee with wooden stick. The applicant no. 2 assaulted him on his left hand. Thereafter, the applicant no. 4 came there and held informant's husband Santosh. On these allegations FIR is lodged.

2. Heard, Mr. Jadhav, learned counsel for the applicant and Ms. Kaushik, learned APP for the State.

3. Learned counsel for the applicant submitted that in the incident, applicant no. 1 also suffered injury on his left eye. Though it is described as a simple injury, it was on a vital part. Therefore, according to him the incident is not correctly reflected in the FIR. He, therefore, submitted that the applicants deserve protection of anticipatory bail.

4. Learned APP opposes the application. She pointed out the medical certificates issued in respect of two injured. Santosh had

suffered one simple injury on his head, but Shankar had suffered fracture of right index finger and fracture of 8th rib. These injuries were grievous.

5. Considering the nature of injuries suffered by Shanker, if the FIR is perused in that backdrop, it is clear that these injuries attributed to the applicant no. 1 and 2. Therefore, they do not deserve any protection of anticipatory bail. Their custodial interrogation is necessary. The applicant no. 3 is supposed to have pulled informant's hair and she allegedly assaulted the informant. However, there is no injury certificate in respect of the first informant supporting her case of assault on her. Similarly, the applicant no. 4 had come on the scene subsequently and allegations against him are that he held hands of Santosh when Santosh was assaulted. Further, considering the fact that Santosh has suffered one minor injury, the role of the applicant no. 4 does not appear to be serious. Therefore, applicant no. 3 and 4 can be granted relief of anticipatory bail. Hence, the order:-

ORDER

1. Application of applicant nos. 1 and 2 is rejected.
2. In the event of their arrest in connection with C.R.No. 407/19 registered with Bramati City Police Station, the Applicants no. 3 and 4

are directed to 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 each in the like amount.

3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)