

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1519 OF 2019

Sushil Sidram Gaikwad] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Sachin Deokar, Advocate for the Applicant.

Mr. S.H. Yadav, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 12th JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.136/2019 registered with Salgar Vasti Police Station, Solapur City u/sec. 307, 143, 147, 148, r/w 149 of I.P.C., u/sec. 4, 25 of the Indian Arms Act and u/sec. 135 of the Maharashtra Police Act.

2. The FIR in this case is lodged by one Nikhil Gaikwad on 03/06/2019. He has stated in his FIR that, his uncle Nagesh Jadhav was on inimical terms with one Husaini and others. Because of that enmity Husaini Gaikwad was also angry with the present first informant Nikhil. On 03/06/2019 informant's uncle Nagesh was

admitted to Raut Hospital. Nikhil was about to visit him. When he had reached his house at Settlement Free Colony, Husaini Gaikwad along with others including the present applicant were waiting there. Husaini Gaikwad went to the first informant, pressed his throat and told him that he would not be peaceful till the first informant and his uncle were finished. At that time, one Ganesh Gaikwad gave a blow with his sword on informant's back. It is alleged in the FIR that, the present applicant assaulted the first informant with his sickle from the back side of the sickle. The others also assaulted the first informant with kicks and fist blows. The first informant rescued himself and ran away from the spot and thereafter his relatives admitted him to Civil Hospital, Solapur. After that, the FIR was lodged.

3. Heard Mr. Sachin Deokar, Ld. Counsel for the Applicant and Mr.S.H. Yadav, APP for the State/Respondent.

4. Ld. Counsel for the applicant submitted that, the present applicant is falsely implicated because applicant's friend Shubham Gaikwad had already lodged the FIR against first informant Nikhil and others on 02/06/2019. That offence was lodged vide

C.R.No.135/2019. In that offence the main section was Section 307 of I.P.C. According to Mr. Deokar, since the present applicant was a witness in that incident, dated 03/06/2019, the present applicant is roped in to prevent him from giving evidence in the earlier incident against the first informant Nikhil.

5. As against these submissions, Ld. APP produced the investigation papers before me. He submitted that, the informant Nikhil was assaulted by sword, though, by another person. The present applicant was also present and he had assaulted the injured with his sickle.

6. I have perused the injury certificate in respect of Nikhil. The injury certificate shows that, he had suffered injury of the dimension 15 x 0.5 x 05 cm on his lower back. The medical certificate does not describe that injury as grievous injury. The injured had left the hospital against medical advise. The dimension of the injury shows that it was a superficial injury. It was not a life threatening or a grievous injury. Therefore, it is doubtful as to whether offence u/sec. 307 of I.P.C. is made out. In this view of the matter, the custodial

interrogation of the present applicant is not necessary, but he will have to co-operate with the investigation. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.136/2019 registered with Salgar Vasti Police Station, Solapur City, the Applicant be released on bail on his furnishing 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. The applicant shall attend the concerned police station from 22/07/2019 to 25/07/2019 between 3.00 p.m. to 5.00 p.m. and shall co-operate with the investigation.
3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)