

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

ANTICIPATORY BAIL APPLICATION NO.1679 OF 2019

Akshay Vitthal Kamble

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Nitin Patil i/b. Hulyalkar and Associates, Advocate for Applicant.
- Mr.Rajan Salvi, APP for the State/Respondent.
- PSI Mr.Rahul R. Varote, Haveli Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 30th JULY, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.98/19 registered with Haveli Police Station, Pune, under sections 307, 143, 148, 149, 427 of IPC of the Indian Penal Code and under section 37(1) of Maharashtra Police Act.

2. The offence is registered at the instance of the first informant Sharad Parappa Kamble on 17/04/2019. He has

stated that on that day at around 12.00 p.m. he was travelling on a bridge near Nanded Phata on his motorcycle. One Rohit Mule asked him to stop. He was suddenly encircled by 10-12 persons including the present Applicant. One Shubham Shinde was carrying a bat and others were carrying wooden handles of spades. Shubham stated that on the previous occasion, the first informant was saved because of the intervention of the elders. But on that day there was no possibility that he would be saved. He gave blow with bat on first informant's head. The informant tried to evade that blow, but he suffered injury above his left eye. The others immediately started assaulting him with kicks and fist blows and with wooden sticks. They caused damage to his motorcycle. The people from the locality came there. Some people were knowing the informant. He was removed to Jagtap Hospital. He was admitted to Intensive Care Unit. After that the FIR was lodged.

3. Heard learned Counsel Mr.Nitin Patil for the Applicant and learned APP Mr.Rajan Salvi for the State.

4. Learned Counsel for the Applicant submitted that no specific role is attributed to the Applicant. He submitted that the main allegations are against Shubham who has alleged to have given blow with bat. The recovery is also at the instance of the said Shubham. He further submitted that the section 307 of the IPC is not applicable. He submitted that the Applicant has no antecedents. His custodial interrogation is not necessary.
5. As against these submissions, the learned APP produced before me the medical certificate issued by Jagtap Hospital Sinhagad Road, Pune, showing the injuries suffered by the first informant. The informant was required to be admitted to ICU and he was under hypovolemic shock. He was suffering from vertigo, lumbar contusion, bleeding above left eyebrow with dimensions 3 cm x 2 cm x 2 cm.
6. Looking at the nature of the injuries it is quite clear that there was an attempt to commit his murder. The first

informant was assaulted on his head with bat. When he was admitted to the hospital he was suffering from serious injuries. The present Applicant was a member of unlawful assembly. It is not possible to distinguish his role from the others at this stage. In this view of the matter, considering seriousness of the incident, the Applicant does not deserve protection of anticipatory bail. Hence the application is rejected.

(SARANG V. KOTWAL, J.)