

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

ANTICIPATORY BAIL APPLICATION NO.1687 OF 2019

Bhaskar Bhagwan Bhore

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Aniket Nikam i/b. Vivek N. Arote, Advocate for Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.
- API Mr.Mahesh Mandare, Igatpuri Police Station, Nashik, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 31st JULY, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.I-41/19 registered with Igatpuri Police Station, under sections 326, 324, 143, 147, 148, 149 of the Indian Penal Code and under sections 37(1)(3) r/w 135 of Maharashtra Police Act.

2. The FIR is lodged by one Sham Dilip Tokade. He has stated that a few days before the incident when he was taking

admission in college, the present Applicant and one Kiran had fought with him and since then he was holding grudge against the first informant. On 26/04/2019, the informant and his friend Manohar Tokade were sitting near Shagun hotel consuming beer, at that time, the present Applicant, one Kiran Adole and 3 to 4 other persons came there with weapons like wooden sticks and iron rods. The Applicant gave blow with iron rod on the right knee of the first informant. Kiran Adole and his associates assaulted the first informant and Mahohar Tokade with their weapons. The first informant and Manohar had suffered injuries. They were admitted in the hospital and thereafter this FIR was lodged.

3. Heard learned Counsel Mr.Aniket Nikam for the Applicant and learned APP Mr.S.H. Yadav for the State.
4. Mr.Nikam submitted that the informant himself was under influence of alcohol. According to Mr.Nikam, thereafter the incident had taken place with the accused and in that

incident, the informant had suffered injuries. He submitted that the Applicant does not have criminal incidents. According to Mr.Nikam therefore custodial interrogation of the Applicant is not necessary.

5. Mr.S.H. Yadav, learned APP submitted that the offence is serious and is committed on a public road. He produced before me the injury certificates in respect of injuries suffered by the injured informant and his friend Manohar.
6. The injured had suffered five injuries. Two injuries were on the head admeasuring 4 cm x 2 cm x 1 cm. There was one CLW on the right elbow and blunt trauma on back and chest. There was fracture of patella on the right knee.
7. The other injured Manohar had suffered four injuries. Though injuries are described as simple one injury was on the head and one injury had cut his earlobe requiring sutures.

8. Considering the injuries suffered by the informant and his friend Manohar, it does not appear to be a minor incident. Offence u/s 326 is made out. The manner in which the assault had taken place, shows that the Applicant does not deserve the protection of anticipatory bail. His custodial interrogation to find his associates and the weapons used, is necessary. Apart from that it is also necessary to find out evidence related to the plan to commit this offence. In this view of the matter, no ground for grant of anticipatory bail is made out. The application is therefore rejected.

(SARANG V. KOTWAL, J.)