

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

ANTICIPATORY BAIL APPLICATION NO.1697 OF 2019

Rajesh Shamrao Misal

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Niranjan Bhavake, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.
- PI Mr.Abhijit Prabhakar Bhosale, Laxmipuri Police Station, Kolhapur, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 01st AUGUST, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.66/19 registered with Laxmipuri Police Station, Kolhapur, under sections 326, 341, 323, 504, 506 r/w 34 of the Indian Penal Code and under sections 4 r/w 25 of the Arms Act.
2. The FIR is lodged on 03/03/2019 by one Firoz Allabaksh Shaikh. According to him, his cousin Amin Shaikh was

released on bail on 02/02/2019 and on that ground there was quarrel between him and the group of Misal in respect of which a separate offence is already registered. On 02/03/2019 at about 09.45 p.m. when the first informant and his aunt were going towards police station in a Rikshwa, the Rikshwa was intercepted by two motorcycles. The present Applicant and others were on those motorcycles. It is mentioned in the FIR that one Santosh Bodke held the informant and the present Applicant assaulted him with a weapon like sword. The others assaulted him with kicks and fist blows. The first informant was thereafter admitted to CRP Hospital, Kolhapur.

3. Heard learned Counsel Mr.Niranjan Bhavake for the Applicant and learned APP Ms.A.A. Takalkar for the State.
4. Learned Counsel Mr.Bhavake for the Applicant submitted that the offence of causing grievous hurt was not made out and none of the injuries can be stated to be grievous injury. He submitted that the present FIR is lodged as a counter

blast to the FIR lodged against the informant's group. He further submitted that the co-accused Santosh Bodke, who was also involved in this offence is granted anticipatory bail by this Court vide order dated 06/06/2019 passed in Anticipatory Bail Application No.1211/19. He further submitted that the present Applicant can be granted same protection.

5. As against these submissions learned APP submitted that the Applicant had actually assaulted with the sword on head of the informant. Therefore his role is distinguished from the accused who is granted anticipatory bail.

6. I have perused the injury certificate. There are four injuries and all of them are described as simple injuries. The injuries were not life threatening and the offence does not fall within any of the categories mentioned in section 320 of IPC. The grant of anticipatory bail to the co-accused who was also present at the time of incident, is also a relevant factor in favour of the present Applicant. In this view of the matter, the

Applicant deserves to be granted same protection on the ground of parity. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.66/19 registered with Laxmipuri Police Station, Kolhapur, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)