

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1761 OF 2019

Ratnaraj Ganpat Salunke & Anr.] ... Applicants

Versus

The State of Maharashtra] ... Respondent

Mr. Rupesh Zade, Advocate for the Applicants.

Mr. Rajan Salvi, APP for the State/Respondent.

Mr. R.R. Choudari, PC 648 attached to Walchand Nagar Police Station, Pune Rural present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 13th AUGUST, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with C.R.No.327/2019 registered with Walchand Nagar Police Station, Pune Rural u/sec. 324, 323, 504 r/w 34 of I.P.C. Subsequently Section 326 of I.P.C. is also added.

2. The FIR is lodged by one Vikas Salunkhe. He has stated that, on 14/07/2019 at around 1.30 p.m., he had gone to his agricultural land. He saw that his cousin Prathamesh had destroyed some portion of his crop. When the first informant questioned Prathamesh about this,

Prathamesh immediately assaulted him on his head and on his stomach. It is further alleged that, the present Applicant No.1 is the father of Prathamesh who also assaulted the first informant in the incident. The informant's father was assaulted with kicks and fist blows. Applicant No.2 is alleged to have taken part in the assault. The informant was admitted to hospital. Therefore, he lodged FIR on 16/07/2019.

3. Heard Mr. Rupesh Zade, Ld. Counsel for the applicant and Mr.Rajan Salvi, Ld. APP for the State/Respondent.

4. Mr. Zade submitted that, the incident had occurred at the spur of a moment. There was no premeditation. No serious role is attributed to either of these applicants.

5. Ld. APP produced before me the medical certificate in respect of the injuries suffered by the first informant Vikas. He had suffered two injuries, one was small penetrating wound admeasuring 1 x 1 cm on abdomen and the other one was over parital region causing mild generalised cerebral oedema. The second injury was described as grievous injury.

6. The statements in the FIR show that, the incident had occurred at the spur of a moment. The main accused Prathamesh had assaulted the first informant on his head and stomach and thereafter Applicant No.1 is alleged to have assaulted the first informant. The applicants have not been attributed any serious role and they have not caused any injury. Accused Prathamesh is already granted regular bail. In this background, custodial interrogation of the present applicants is not necessary. Hence, I am inclined to grant anticipatory bail to the applicants. Hence, the following order.

ORDER

1. In the event of their arrest in connection with C.R.No.327/2019 registered with Walchand Nagar Police Station, Pune Rural, the Applicants 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.
2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)