

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

ANTICIPATORY BAIL APPLICATION NO. 2024 OF 2019

Rajan Surendra Sahani @ Nishad Applicant

Versus

The State of Maharashtra Respondent

Mr. Satyavraj Joshi i/b. Sunil S. Kamble, Advocate for Applicant.
Mr. S. H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.64 of 2014 registered with Wakad Police Station, Pune, under sections 307, 143, 147 r/w. 149 of the Indian Penal Code.

2. The FIR is lodged by one Umesh Hake on 23/10/2014. He has stated that, he and others had gone to the house of one Roshan Sahani to question him about his previous quarrel. At that time, there was fight between two groups. It is alleged in the FIR

that, accused Roshan assaulted Dhiraj on his head with wooden stick which was lying nearby. One Avinash was held by Ghanashyam and one Vicky and present applicant assaulted him on his head with a wooden log. Other accused also assaulted the injured. The informant and other injured were admitted to the hospital and thereafter this FIR was lodged. The investigation was carried out and the charge-sheet is filed. Since 2015 the applicant was not arrested. Since then he was not available for the investigation.

3. Heard Mr. Satyavraj Joshi, learned counsel for the Applicant and Mr. S. H. Yadav, learned APP for the State/Respondent.

4. Learned counsel for the applicant submitted that the co-accused Sandeep Sahani and Shivam Sahani were granted anticipatory bail by this court way back in the year 2014-2015. He submitted that, even present applicant deserves protection of anticipatory bail. Learned APP opposed this application.

5. I have considered all these submissions. I have perused the charge-sheet. The charge-sheet contains statement of injured

Avinash and Dhiraj. They have supported the narration of the first informant. They have narrated the same story. All the three i.e. the first informant and these two witnesses are injured witnesses. The medical certificate shows that Avinash suffered grievous injury, which is directly attributed to the applicant. Injured Dhiraj also suffered grievous injury. Thus, role of the applicant is clearly spelt out in the charge-sheet. Looking at the grievous injuries, the gravity of the offence and the allegations that the applicant was not available for more than five years, I am not inclined to grant anticipatory bail to the applicant.

6. The application is rejected.

(SARANG V. KOTWAL, J.)