

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Anticipatory Bail Application NO. 2029 OF 2019

Bharat Balasaheb Garade

...Applicant

Versus

The State Of Maharashtra

...Respondent

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Mr. Nitesh J. Mohite i/b. Sunil S. Kamble, Advocate for the Applicant.

Ms. Sharmila S. Kaushik, APP, for the Respondent-State.

Mr. Priyal G. Sarda, Advocate for the Intervenor.

Mr. Anil M. Lavate, PSI, Paud Police Station, Mulshi, Pune is present in Court.

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CORAM : SARANG V. KOTWAL, J.

DATE : 19th SEPTEMBER, 2019

PC.

1. The applicant is seeking anticipatory bail in connection with C.R. No.256/2019 registered with Paud Police Station, Pune under Sections 394, 324, 504, 506, 143, 144 and 147 read with 149 of I.P.C. and Sections 37(1) read with Section 135 of the Maharashtra Police Act. Subsequently, Section 397 of IPC is added.

2. The FIR is lodged by one Ravindra Vasant Pawar. He has stated that on 25.5.2019 at about 4:00 p.m. to 4:30 p.m., there was some quarrel between the informant and one Dange. Dange

was accompanied by his three associates who pelted stones towards the informant. He called his other associates telephonically. Thereafter Dange went near the informant and assaulted him with iron rod and other five associates assaulted him with wooden sticks and bamboo. Cash of Rs.12,750/- carried by the informant was forcefully removed. Similarly, gold chain was also removed. FIR gave description of five unknown accused.

3. The informant lodged this FIR. He was admitted to hospital. Supplementary statement given by the first informant on 3.6.2019 specifically names present applicant as the person who was wearing yellow shirt and who had assaulted the informant with wooden sticks and bamboo. The informant became unconscious at the spot. Then he was admitted to the hospital.

4. I have heard Shri Mohite, learned Counsel for the applicant and Smt. Kaushik, learned A.P.P. for the State. Learned Counsel for the applicant Shri Mohite submitted that the applicant has not been named in the FIR. The FIR itself is lodged belatedly on 31.5.2019 when the incident had occurred on 25.5.2019. He, therefore, submitted that the applicant is falsely implicated.

5. Learned A.P.P. for the State as well as Shri Sarda appearing for the informant submitted that the medical certificate shows that the informant had suffered grievous injuries. The applicant was named in the supplementary statement and, therefore, his custodial interrogation is necessary.

6. I have considered all these submissions. I have also perused the medical certificate. A perusal of injury certificate shows that the informant had suffered four injuries. There was loss of hearing and cerebral concussion. Those injuries were described as grievous. The informant in the supplementary statement has specifically named the applicant and has ascribed specific role to him. The description of the events mentioned in the FIR are corroborated by the medical certificate. Considering the nature of injuries suffered by the first informant, it is a serious offence.

7. Though the FIR is lodged after five days and though the FIR does not mention name of the applicant, the informant's supplementary statement does mention the name of the applicant. The injuries suffered by the informant shows that he had suffered cerebral concussion. Therefore, such delay in lodging FIR, at this

stage, cannot be held against the prosecution case. This would be a matter of investigation and trial. In this view of the matter, the custodial interrogation of the applicant is necessary. No case for grant of anticipatory bail is made out. Hence, application for anticipatory bail is rejected.

(SARANG V. KOTWAL, J.)