

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

ANTICIPATORY BAIL APPLICATION NO.2087 OF 2019

Saurabh Jyotiram Atole	 Applicant
versus	
The State of Maharashtra	 Respondent

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- Mr.Rupesh A. Zade, Advocate for Applicant.
- Mr.Prashant Jadhav, APP for the State/Respondent.
- PN Mr.A.J. Kawade, Baramati Police Station, Pune, present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 26th SEPTEMBER, 2019**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.697/19 registered with Baramati Police Station, Pune, under sections 326, 324, 143, 147, 148, 149, 323, 504, 506, 427 of the Indian Penal Code.
2. The FIR is lodged on 30/08/2019 by one Bapu Vandan Bibe. He has stated that he was having a grocery shop in village Sawal. There was a dispute in respect of that shop with Pravin Dnyandeo Atole and Adesh Jyotiram Atole. On 14/08/2019 there was a quarrel between the parties for which complaints were given at Baramati police station. On 30/08/2019 while he

was present in Ambedkar Chauk in his village, at that time, accused Adesh Jyotiram Atole, Vinod Vitthal Atole, present Applicant, Nagesh Tulshiram Atole and Sunny Chavan along with three other unknown persons came near him. They were carrying weapons like iron rods and wooden sticks. All of them started assaulting informant. It is mentioned in the FIR that the Applicant and others also assaulted him with sticks and fist and kick blows. The informant's wife Rani Bibe tried to intervene to save her husband, but she was also assaulted on her head. Her gold ornament was lost in the incident. The Applicant removed the informant's key of his two wheeler. The informant suffered injuries including fracture. Thereafter the assailants went away from the spot. On this basis, FIR is registered.

3. Heard learned Counsel Mr.Rupesh A. Zade for the Applicant and learned APP Mr.Prashant Jadhav for the State.
4. Mr.Zade submitted that the weapons were recovered from the other arrested accused Vinod Atole and Nagesh Atole. He therefore prays that the present Applicant should be granted anticipatory bail.

5. Learned APP opposed the application.

6. I have considered these submissions. I have perused the papers of investigation and in particular, the injury certificates in respect of injuries suffered by the first informant and his wife. The first informant suffered four injuries. The first injury was multiple abrasions which was in consonance to the assault by all the assailants. More importantly, there was fracture of metacarpal bone. This injury is grievous. Thus offence u/s 326 is made out. Specific role is attributed to the present Applicant. Provisions of section 149 of IPC are also applied. Therefore, considering the seriousness of the offence and also taking into consideration the fact that the assault had taken place at a public place without any fear of law, no protection of anticipatory bail can be granted to the Applicant. His custodial interrogation is necessary. In this view of the matter, the application is rejected.

(SARANG V. KOTWAL, J.)