

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 2208 OF 2019

Shubham Shubhash Gunjal

...Applicant

Versus

The State Of Maharashtra

...Respondent

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Mr. Rohan D. Kaiche, Advocate for the Applicant.

Mr. Prashant Jadhav, APP, for the Respondent-State.

Mr. S.B. Deore, Advocate for the Intervenor.

Mr. B.R. Bairagi, Assistant PSI Ozar Police Station, Nashik is present in Court.

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CORAM : SARANG V. KOTWAL, J.

DATE : 15th OCTOBER, 2019

P.C.

1. The applicant is seeking anticipatory bail in connection with C.R. No.105/2019 registered with Ozar Police Station for the offence punishable under Sections 323, 324, 504, 506 read with 34 of I.P.C. Subsequently, Section 326 of I.P.C. is applied.

2. The FIR is lodged on 31.8.2019 by one Appasaheb Gunjal. He has stated in his FIR that on 31.8.2019 at about 10:30 a.m., there was some quarrel between the first informant and Subhash Gunjal on some petty issue in respect of sand which the informant had brought. In the meantime, Subhash's son came there

and gave a blow with iron rod on the head of the first informant. The others were assaulted with sticks by other accused. On this basis, the FIR is lodged.

3. I have heard Shri Rohan Kaiche, learned Counsel for the applicant, Shri Prashant Jadhav, learned A.P.P. for the State and Shri S.B. Deore, learned Counsel for the intervenor.

4. Learned Counsel for the applicant submitted that the incident took place on the petty issue and the injuries caused to the first informant is not serious. The certificate of Civil Hospital shows that the injury was only 2 x 1.5 c.m.. It was described as simple injury. He, therefore, submitted that the custodial interrogation of the applicant is not necessary.

5. Learned Counsel for the intervenor submitted that the informant had to be admitted to a private hospital and the wound needed six stitches.

6. Learned A.P.P. opposed the application and relied on the investigation papers.

7. I have considered all these submissions. As pointed out

by learned Counsel for the applicant, the applicant was a student and at present he is appearing for S.Y.B.Com. examinations. The injury suffered by the informant is not described as grievous injury. In fact, it is described as simple injury by the Medical Officer attached to Civil Hospital, Nashik. In this view of the matter, custodial interrogation of the applicant will not serve any purpose. Instead he can be directed to attend the concerned police station so that the quarrel between the families does not escalate to higher degree. Hence, the following order :

O R D E R

- (i) In the event of his arrest in connection with C.R. No.105/2019 registered with Ozar Police Station, 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) The applicant shall attend the concerned police station every Sunday of each month between 10:00 a.m. to 11:00 a.m. till filing of the charge-sheet.

- (iii) The applicant shall cooperate with the investigation and shall attend the concerned police station as and when called in addition to his regular attendance as aforesaid.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)