

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

ANTICIPATORY BAIL APPLICATION NO. 2294 OF 2019

Sachin Madanlal Kankria & Anr.	 Applicants
Versus	
The State of Maharashtra	 Respondent

Mr. Mohit P. Bhansali, Advocate for the Applicants.
Mr. Prashant Jadhav, APP for the State/Respondent.
Mr. S. B. Bachhav, PN/2256, Malegaon Taluka Police Station
present.

CORAM : SARANG V. KOTWAL, J.
DATE : 17th OCTOBER, 2019

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. I 238 of 2019 registered with Malegaon Taluka Police Station, Dist. Nasik, under sections 326, 324, 323, 504 and 506 r/w. 34 of the Indian Penal Code.
2. The FIR is lodged by one Yuvraj Golait. He has stated in his FIR that, on 22/09/2019 at about 4.00p.m. the applicant No.1 was grazing his buffalo in the informant's field. The applicant No.1's employees brought one pick-up van and were driving that

van inside the informant's agricultural field causing damage to his crop. The informant objected and the applicant No.1 got angry. He gave a blow with an iron rod on the right hand of the informant. The applicant No.2 gave fist blow on his left eye. The others intervened and saved the informant. The informant went to Malegaon Taluka police station and lodged this FIR. He was treated in Malegaon Civil Hospital.

3. Heard Mr. Mohit Bhansali, learned counsel for the applicants and Shri. Prashant Jadhav, learned APP for the State.

4. Learned counsel for the applicants submitted that he himself was seriously injured in the assault caused by Yuvraj's nephew. Yuvraj had also assaulted applicant No.1 with stones. The applicant No.1 had lodged his FIR vide C.R.No. I 240 of 2019 at the same police station U/s.326, 323, 504 and 506 r/w. 34 of the IPC against Yuvraj and others. He submitted that, considering the serious injury suffered by the applicant No.1, it was improbable that he would have assaulted Yuvraj with iron rod causing fracture of his finger.

5. Learned APP produced injury certificates before me.

Yuvraj had suffered fracture of II Metacarpal bone of right hand, blunt trauma on abdomen causing splenic contusions and one blunt trauma over left eye. As against Yuvraj's injuries, the applicant No.1 had suffered diffused cerebral edema. It was also described as grievous injury in the certificate issued by Medical Office attached to Shubham Hospital. The FIR lodged against the applicants does not mention anything about the injury caused to the applicant No.1. Yuvraj's statement on that aspect is absolutely silent. Thus, it appears that the FIR against the applicants does not depict the true events. Therefore, at this stage, custodial interrogation of the applicants will not be justified, particularly, in view of the serious injury suffered by the applicant No.1. In this view of the matter, I am inclined to grant protection of anticipatory bail to the applicants.

6. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R. No. I 238 of 2019 registered with Malegaon Taluka Police Station, Nasik, the applicants are directed to be released on bail on their

furnishing PR bonds in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand each Only) with one or two sureties each in the like amount.

- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)