

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2410 OF 2019

Santosh Kumar Talbhandare ...Applicant

V/s

The State of Maharashtra ...Respondent

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Mr. Ujwal. R. Agandurve, Advocate for the Applicant.

Mr. S. H. Yadav, APP for State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 6th November 2019

PC :

1. The applicant is seeking Anticipatory Bail in connection with C.R. No. 748 of 2018 registered with Jodbhavi Police Station, Solapur for offences punishable under Sections 307, 397, 326, 324, 323, 336, 143, 147, 148, 149, 109 of Indian Penal Code and under Section 4/25 of Arms Act and Section 135 of of Bombay Police Act and under Section 7 of the Criminal Law Amendment Act.

2. The applicant had preferred an application for Anticipatory Bail before the Sessions Court which was rejected vide order dated 18th January 2019. The Sessions Court has taken into consideration

the role attributed to the applicant, N.C. complaints and antecedents of the applicant.

3. The learned counsel for the applicant submits that, applicant has been falsely implicated in this case on account of rivalry between two groups. He further submits that the statement of injured person Anand Gaikwad was recorded belatedly on 22nd January, 2019. The role of assault was attributed to several persons. The statement of the complainant is vague. It is submitted that about 55 persons were implicated as accused in this case. The other accused were either granted Anticipatory Bail or Regular Bail. He also pointed out the injury certificate of injured Suraj Ram Gaikwad (complainant) and Anand Gaikwad and contended that considering the role attributed to the applicant, the injury sustained by the injured cannot be attributed to the applicant.

4. I have perused the statement of the injured persons and other witnesses. Specific role has been attributed to the applicant. The complainant had stated that the applicant and co-accused had assaulted him by iron rod on his head, left hand, left shoulder, left leg. Injured Anand Gaikwad has stated that applicant and other accused had assaulted him on his head. The case of the applicant cannot be equated with the other persons who have been granted

Anticipatory Bail. Medical Certificate refers to injuries sustained by witnesses. The order of Sessions Court refers to Criminal antecedents of applicant registered vide C.R. No. 148/2015, C.R. No. 78/2011 and C.R. No. 88/2015. The order also refers to two NC complaints lodged with Police Station about threats issued for withdrawal of complaints. The FIR was registered on 05/12/2018. The applicants application has been rejected by Sessions Court on 18/01/2019. The applicant is not available for investigation since long. Considering the material on record, I do not find that the case for grant of Anticipatory Bail is made out. Hence, the application deserves to be rejected.

ORDER

Anticipatory Bail Application No. 2410 of 2019 stands rejected.

(PRAKASH D. NAIK, J.)