

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2442 OF 2019

Amol D. Holgunde

Applicant

versus

The State of Maharashtra

Respondent

Mr.Kalpesh Patil i/by Prashant P. Raul for applicant.

Mr.Prashant Jadhav, APP, for State.

Mr.PK.Raut, Police Constable, Shirur Police Station, Present.

CORAM : PRAKASH D. NAIK, J.

DATE : 5th December 2019

PC :

1. The applicant is apprehending arrest in CR No.333 of 2019 registered with Shirur Police Station, District Pune for offences under Sections 307, 326, 324, 427, 143, 147, 148, 149, 504 and 506 of Indian Penal Code. Initially the offence was registered u/s 326 and other offences.

2. The case of prosecution is that on 7th May 2019 a truck was brought near complainant's land for loading sugarcane. At that time Sagar Holgunde, Sonya Holgunde, Amol Holgunde (applicant), Babu Thorat and others came on the spot. Sagar Holgunde, Sonya Bapu Holgunde, Phulabai Sonya Bapu Holgunde, Jaya Sagar Holgunde, Tarubhai Holgunde told complainant that if he takes the truck by that road, they would burn the truck and threatened to assault them. The complainant was assaulted with iron rod on his back. Sagar Holgunde assaulted the complainant with iron pipe. Sonya Bapu Holgunde assaulted the complainant by sickle. The mother of

complainant tried to intervene. The applicant and Santosh Holgunde assaulted her with iron pipe. The applicant had preferred application for anticipatory bail before Sessions Court, which has been rejected.

3. Cross case has been registered from side of applicant vide CR No.336 of 2019 on 8th May 2019 for offences u/s 323, 326, 143, 147, 148, 149, 504, 506 of IPC. Subsequently Section 307 has been invoked. Sagar Holgunde had sustained injury. He was treated at Rural Hospital. He had sustained incise wound over left parietotemporal which was grievous injury.

4. The applicant was attributed the role of assaulting the witnesses by iron pipe. The injury certificate of Chandrakant Holgunde is on record whereas the injury certificate of other alleged injured witnesses are not on record. However, their statements are recorded.

5. Learned APP submitted that Chandrakant Holgunde was subsequently treated in Rakshak Hospital which is a private hospital. The medical certificate refers to the injury of CLW over ocephital region. The said certificate was issued on 28th May 2019. Prior to that Chandrakant Holgunde was treated at B.J.Medical College and Sasoon General Hospital, Pune. The medical certificate dated 14th May 2019 of Sasoon Hospital mentions that he had sustained contusions over right shoulder, left side of neck and over back of head. All the injuries were simple in nature.

6. Learned APP submitted that specific overt act has been

attributed to the applicant. He has assaulted the injured by iron pipe. Custodial interrogation of the applicant is necessary.

7. As stated above, the dispute is over the boundary of property. Both the parties have lodged complaints against each other. Sagar Holgunde is the cousin of applicant and had sustained grievous injury. The injury certificate of Chandrakant Holgunde refers to simple injury. Three other assailants were arrested and they have been granted regular bail. In the circumstances, the application can be granted. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.2442 of 2019 is allowed and disposed of;
- (ii) In the event of arrest of applicant in CR No.333 of 2019 registered with Shirur Police Station, Pune District, the applicant be granted bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend the Investigating Officer from 16th to 20th December 2019 between 10 am and 12 noon, and thereafter as and when called by the Investigating Officer till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST