

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2689 OF 2019

Lalsingh Revu Rathod

Applicant

versus

The State of Maharashtra

Respondent

Mr.Vishwanath Patil with Kewal B. Ahya for applicant.

Mr.S.H.Yadav, APP, for Stae.

Mr.S.B.Berad, PSI, Akkalkot Sough Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 10th December 2019

PC :

1. This is an application for anticipatory bail in CR No.316 of 2019 registered with Akkalkot South Police Station for offences under Sections 307, 143, 147, 148, 149, 323, 504, 506 of IPC.

2. The prosecution case is that on 24th July 2019 the complainant and his cousin were proceedings towards house on their uncle. When they came in front of house of accused Mahadev Rathod, his pet dog jumped on complainant. Therefore, the complainant threw stone on the dog. The accused Mahadev Rathod, accused Muthu Rathod and accused Gita Rathod assaulted the complainant by fist and kick blows. The complainant came back to his house. Mahadev Rathod and his family members came shouting. The complainant and his mother came out of house. The accused were told that they would resolve the dispute on the next day as it was very late at night. AT that time Vishal Rathod assaulted the mother of complainant. The applicant caught hold of the complainant and accused Vishal Rathod

assaulted the complainant on his chest with knife. Thereafter Mahadev and Muthu assaulted the complainant with fist and kick blows.

3. Learned counsel for applicant contends that only role assigned to the applicant is that he had caught hold the complainant. The incident had occurred on spur of moment. The person who has been attributed the role of assaulting the complainant is granted bail. The other persons were also granted bail. The custodial interrogation of applicant is not necessary. The injured had sustained simple injuries.

4. Learned APP brought to my notice the injury certificate. Although injuries were apparently simple in nature, the complainant had sustained three stab wounds on chest which were attributed to the co-accused by knife. The mother of complainant was also assaulted. She had sustained simple injuries. The fact remains that the complainant was assaulted on his chest at three places by knife. The applicant had facilitated the co-accused while assaulting the complainant. In these circumstances, no case for grant of anticipatory bail is made out. Hence, the anticipatory bail application is rejected.

(PRAKASH D. NAIK, J.)

MST