

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2720 OF 2019

Santosh Rasik Holgunde ...Applicant

versus

The State of Maharashtra ...Respondent

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Mr. Prashant P. Raul, Advocate for the applicant.

Mr. H. J. Dedhia, APP, for Respondent-State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th 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 farm for loading sugarcane. At that time Sagar Holgunde, Sonya Holgunde, Amol Holgunde, Babu Thorat, Santosh Holgunde (applicant), Rahul Holgunde, Santosh Thorat and some ladies came on the spot. Sagar Holgunde, Sonya Bapu Holgunde, Phulabai 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 him. The complainant was assaulted by Babu Thorat with iron rod on his head. Sagar Holgunde assaulted the complainant with iron pipe on his back. Amol Holgunde assaulted by pipe. Sonya Bapu Holgunde assaulted the complainant by sickle. The mother of complainant tried to intervene. The applicant and Amol D. Holgunde assaulted her with iron pipe. Father of complainant, brother Kiran, wife of complainant were assaulted. Ornament of his mother was missing. The applicant had preferred application for anticipatory bail before Sessions Court, which has been rejected.

3. Cross case has been registered from the 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 incised wound over left parietotemporal which was grievous injury.

4. The applicant was attributed the role of assaulting the mother of complainant 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 occipital 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. He 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. Amol Holgunde was granted anticipatory bail by this Court vide order dated 5th December, 2019. In the circumstances, the application can be granted. Hence, I pass

following order :

ORDER

- i) Criminal Anticipatory Bail Application No. 2720 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.)