

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 331 OF 2020

Chetan @ Chaitanya Bhau @
Bajarang Walunjkar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Priyal G. Sarda, Advocate for the Applicant.
Mr. S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 12th February, 2020

PC :

1. This is an application for anticipatory bail in C.R. No. 10 of 2020 registered with Kamshet Police Station, Dist. Pune for offences punishable under Section 324, 326, 504, 506 r/w Section 34 of Indian Penal Code and Section 4 and 27 of the Arms Act. The First Information Report (for short 'FIR') was lodged on 8th January, 2020.

2. The prosecution case is that on 7th January, 2020, the first informant and his cousins went to the farm for work, at that time Bhau Walunjkar abused the informant and his brother. He called his son Chaitanya (Applicant), who came with sickle. Sandip Walunjkar came with iron rod. Both of them assaulted complainant and his cousin. Baban Walunjkar intervened to rescue first informant then

the accused ran away.

3. The contention of the applicant is that cross FIR is lodged by the applicant with the same police Station vide C.R. No. 11 of 2020 for offence punishable under Section 324, 325, 504, 506 r/w Section 34 of Indian Penal Code. According to the applicant he was assaulted by Mithun Walunjkar, Hrishikesh Walunjkar and Shrikant Walunjkar by weapon. The applicant was assaulted on his leg. Satish Walunjkar was also assaulted by the opponents by sickle. The applicant relies upon the certificate annexed to this application referring head injury as well as injury to his leg.

4. Learned APP had contended on the previous occasion that the certificate relied upon by the applicant referred to head injury. Although it was contended by the applicant that he was assaulted on his leg. Learned APP on instructions however now submits on verification from the medical officer it is revealed that the applicant had sustained minor head injury and the Scan report is normal. However, it confirmed that he had sustained injuries to his knee, left hand and left ear. Cross case has been lodged by the applicant against opponents. Investigation in that case is in progress. Learned APP also submits that the role of assaulting Satish Walunjkar is attributed to the co-accused. Considering the factual matrix of this

case relief prayed in this application can be granted.

5. Hence, I pass the following order.

ORDER

- i) Anticipatory Bail Application No. 331 of 2020 is allowed;
- ii) In the event of arrest of applicant in C.R. No. 10 of 2020 registered with Kamshet Police Station, Dist. Pune, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25000/- with one or more sureties in the like amount;
- iii) The applicant shall report Investigating Officer on 17th & 18th February, 2020 between 11.00 a.m. to 1.00 p.m. and thereafter as and when called for till filing of charge-sheet.
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)