

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 475 OF 2020

Chetan Vijay Bhosale

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Rupesh A. Zade, Advocate for the Applicant.

Mr. H. J. Dedhia, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 26th February, 2020

PC :

1. The applicant is apprehending arrest in C.R. No. 1 of 2020 registered with Bhigwan Police Station, Dist. Pune (Rural) for offences punishable under Sections 307, 323, 504, 506, 143, 147, 148, 149 of Indian Penal Code.

2. The case of the prosecution is that the accused had formed unlawful assembly. Accused Taufik Shaikh assaulted Shankar Kolpe by knife. Jagtap, applicant and Ganesh Suryavanshi caught hands of Shankar Kolpe. 5 to 6 persons assaulted Shankar by fist/kick blows. Taufik assaulted complainant on neck. Accused No.2 to 4 caught hold the hands of Shankar Kolpe and accused No.1 assaulted him by means of knife. The accused also assaulted complainant when he

intervened. The applicant preferred an application for anticipatory bail before the Sessions Court which was rejected on 30th January, 2020.

3. The contention of the applicant is that injured is out of danger. The nature of the injury is simple. Custodial interrogation of the applicant is not necessary.

4. Learned APP pointed out the injury certificate of Vijay Shegar and Shankar Kolpe. Vijay had sustained cut incised wound on aspect of neck measuring 10 c.m. X piece 2 c.m. X 2 c.m. in horizontal manner. Where as Shankar Kolpe had sustained facial injuries on right cheek from nose to right eye, right master muscle and frontal bone on the face with dimensions of 2 c.m. X 5 c.m. The applicant has aided and abetted the assailants in assaulting the injured persons. The applicant caught hold of the injured to facilitate the other accused to assault him. Considering the evidence and role attributed to the applicant, no case for grant of anticipatory bail is made out.

5. Hence, I pass the following order :

ORDER

- i) Anticipatory Bail Application No. 475 of 2020 stands rejected and disposed of accordingly.

- ii) The observations made in this order are prima facie for considering the application for anticipatory bail and the trial Court shall not be influenced by the same during the trial.

(PRAKASH D. NAIK, J.)