

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.968 OF 2020

Amruta alias Amrut Gulab Parhad	..	Applicant
Versus		
The State of Maharashtra	..	Respondent
...		

Mr.Ajinkya Udane for the Applicant.

Mrs.M.M.Deshmukh, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 16th DECEMBER, 2020

P.C:-

1. The Anticipatory Bail Application of the applicant came to be rejected on 5th December, 2020 by the Additional Sessions Judge, Pune, and hence he is before this Court.

2. The applicant is arraigned as an accused in C.R.No.354 of 2020 registered at Shikrapur Police Station on 14th June, 2020. The FIR is lodged by one Shantaram Bajirao Parhad and he has referred to an incident dated 13th June, 2020. The complaint has resulted into invocation of Sections 307, 323, 324, 325, 326, 452, 427, 506, 504, 143, 147, 148 and 149 of IPC. The applicant is indicted as accused No.3. The learned counsel for the applicant makes a statement that out of total twenty one persons, who have been arraigned as accused have been released either on regular bail or anticipatory bail, barring the present applicant.

3. With the assistance of the learned counsel for the applicant and learned APP, perused the FIR which has now culminated into charge-sheet filed on 24th August, 2020. The version of the complainant is that there was an ongoing dispute between his cousins belonging to the same family in respect of an ancestral land. It is alleged that attempts were made to effect mutation of the said land in their names. Though, for last three months, the informant and his family are in possession of their portion of land, repeated attempts were made on part of the other side to divest them of their possession.

An incident dated 13th June, 2020 is then referred to and it is stated that when the complainant alongwith his family members was present at his home, the accused persons, namely, Bansi Parhad, Aabasaheb Parhad, Amrut Parhad (applicant) and Daulatrao Parhad came in front of his house, armed with iron rods and wooden sticks. It is then alleged that one tempo arrived at the spot and some 8 to 10 persons alighted, which include two named accused Mahendra and Aakash. It is then alleged that all the accused persons assaulted the informant and his family. With minute details, the entire incident has been narrated. As far as the present applicant is concerned, it is alleged that he was armed with wooden stick and he hit one Yashoda Parhad, which caused a fracture to her hand. Undisputedly, because of the injuries sustained by other injured, offence under Section 307 has been invoked.

4. However, as the learned counsel has stated that all the accused persons, barring the present applicant, have been released on bail, the case of the applicant will have to be decided by discerning the role attributed to the applicant. The witnesses, whose statements are compiled in the charge-sheet, also corroborate the version of the complainant. In order to ascertain as to what was the injury attributed to the present applicant, the certificate of injured being Yashoda has been placed on record. Immediately after the incident, she was referred to Rural Hospital, Shikrapur and the following injuries were noted.

- “1. Abrasion on left wrist of 2cm X 2cm
2. Contusion on left shoulder of 4cm X 2cm
3. Contusion on left thigh of 4cm X 2cm X 1cm”

Thereafter she was referred to a private hospital by name Surya Hospital, Shikrapur where she was examined on 14th June, 2020, which revealed fracture on X-ray. The said injury is grievous and is opined to have been caused by hard and blunt object. Even assuming and taking the said certificate to be true and correct report of the injury, it is a fracture on wrist and at the most, Section 326 would be invoked against the present applicant. In the FIR, there is no allegation that the applicant has assaulted any other injured whereby he could be attributed for an offence under Section 307 of the IPC. Undisputedly, since Sections 143, 147 and 149 have been invoked, the issue as to whether the applicant would be held responsible for the

injuries caused by the others, particularly when his presence at the spot is not disputed, is a matter of trial.

5. In light of the clear facts surfacing on the basis of the charge-sheet and the role attributed to the applicant of assaulting injured Yashoda by means of wooden stick in her head, merely because recovery of the weapon has to be done, his custodial interrogation cannot be sought after lapse of a period of six months. In these circumstances, subject to the stipulation that the applicant will co-operate with the investigation by reporting to the police station on every Monday between 10.00 a.m. to 2.00 p.m. for one month, he is entitled to be released on bail.

: ORDER :

(a) Application is allowed.

(b) In the event of arrest in C.R.No.354 of 2020 registered with Shikrapur Police Station, applicant-Amruta alias Amrut Gulab Parhad shall be released on bail on furnishing PR. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(c) The applicant shall attend the concerned police station on every Monday between 10.00 a.m. and 2.00 p.m. for one month and shall co-operate in the investigation.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted

with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.

SMT. BHARATI DANGRE, J