

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1727 OF 2019

Lakhan Kalyansing Pawar

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Niranjan Mundargi i/b Mr. Omkar P. Mulekar, Advocate for the Applicant.

Smt. A. A. Takalkar, APP for the State-Respondent.

Mr. S.K. Bogir, Police Hawaldar, Nandgaon Police Station, Nashik Rural, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 17th January, 2020

PC :

1. The applicant is apprehending arrest in connection with C.R. No. I-52 of 2019 registered with Nandgaon Police Station, Nashik on 15th March, 2019 for offences punishable under Sections 324, 323, 504, 506, 426 r/w Section 34 of Indian Penal Code. Subsequently, Section 326 was invoked.

2. The FIR was lodged in respect to the incident dated 14th March, 2019. The first informant and his friend were obstructed by accused and they were abused. The applicant assaulted by axe to the informant. Friend of complainant Pravin was also assaulted. Lakhan assaulted Pravin by handle of axe in left thumb, left leg and right wrist. Villagers tried to intervene. Kalyan Singh caught hold of collar of complainant. He lost his chain. Kalyan Singh threatened of

dire consequences.

3. Learned counsel for the applicant submitted that the case is false. On account of previous dispute applicant has been implicated in this case. The mother of the applicant had lodged FIR vide C.R. No. I-49 of 2019 with the same police Station for offences punishable under Section 447, 323, 427, 504, 506 r/w Section 34 of Indian Penal Code against Rajendra Pawar (complainant in the present case) and others. The said FIR was first in point of time. As counter blast to that FIR the present complaint was lodged. Learned counsel for the applicant further submitted that the injuries mentioned in the injury certificate do not correspond to the overt act attributed to the applicant. Kalyansingh is enlarged on pre arrest bail. The applicant would loose his employment if subjected to custody as he is a police constable. There is delay in lodging FIR.

4. I have perused the FIR. The applicant is a Police Constable. On account of previous dispute the alleged incident had occurred. According to complainant the applicant had assaulted on his head by axe. However, there is no corresponding injury in injury certificate. The injuries sustained by the complainant WERE BY blunt object and CLW which grievous. There is no certificate of injuries sustained by the Pravin on record. The applicant was granted interim protection

vide order dated 7th August, 2019. The mother of applicant lodged FIR vide CR. No. I-49 of 2019 on 14th March, 2019 for offences under Section 447, 323, 427, 504, 506, 34 of IPC. Complainant and others are impleaded as accused in that FIR. It is alleged in that FIR that there was quarrel between applicant and Rajendra Pawar which was resolved. Thereafter Rajendra Pawar, Pravin Salunkhe and others abused and assaulted applicant's parents. In the light of the factual aspects of the present case, the applicant may not be subjected to custodial interrogation.

5. Hence, I pass the following order :

ORDER

- i) Anticipatory Bail Application No.1727 of 2019 is allowed;
- ii) In the event of arrest of applicant in C.R. No. I- 52 of 2019 registered with Nandgaon Police Station, Nashik, 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 attend Investigating Officer on 28th & 29th January, 2020 between 11.00 a.m. to 1.00 p.m.
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)