

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 788 OF 2021

ANIL JAGANNATH SATPURTE
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. K.N. Shermale, Advocate for the applicant,
Mr. S.D. Ghayal, APP for the respondent.

CORAM : V.G. BISHT, J.

DATE : 13th August.2021.

PER COURT:

1] This is an application under Section 438 of Cr.P.C. preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.0301 of 2021 registered with Police Station, Sangamner City, Taluka Sangamner, Dist. Ahmednagar for the offence punishable under Section 307, 326, 323, 504 r/w. 34 of IPC.

2] A dispute is going on between the informant and his brother Jagannath Gangadhar Satpute in a civil court in respect of agricultural land. Even a dispute had taken place prior to the incident in question. On 8.6.2021, while the informant was in his field, Anil Jagannath Satpute (applicant), Navnath Jagannath Satpute and Pravin Jagannath Satpute came and without uttering a word, started beating him by means of fist and kick blows. The applicant and Navnath Satpute were armed with iron rod. The applicant gave blows of iron rod on the legs, back,

hand and head of the informant thereby causing injuries. Thereafter, they fled away.

3] Mr. Shermale, learned counsel for the applicant invited my attention to the counter complaint filed by the present applicant against the present informant. According to learned counsel, the present applicant is falsely implicated because of ongoing civil dispute in respect of the agricultural land and as also, by way of a counter-blast to his complaint filed against the informant in the present case.

4] Mr. Ghayal, learned APP, on the other hand, invited my attention to the contents of the FIR and pointed out that the incident in question had taken place in the field of the informant. The learned counsel also invited my attention to the Injury Certificate as well as the Discharge Summary Certificate from his compilation and also their statements recorded under Section 164 of Cr.PC. Since there is prima facie evidence about the complicity of the present applicants, the application should be rejected, argued learned APP.

5] Perusal of the record would show that there is a complaint and counter complaint against both the parties. On going through the Discharge summary issued by Kute Hospital, it is seen that the informant had sustained contused lacerated wound and at the time of discharge he was stable. It is also to be noted from the impugned order of the trial court that Section 307 of IPC came to be added in the light of supplementary statement of the informant and that attraction of Section 307 is doubtful. I have already pointed out the nature of injuries from the Discharge Summary certificate issued by the concerned hospital.

6] Having regard to the factual background of the case and admitted enmity between the parties, in my considered opinion, the present application deserves consideration with certain conditions. Hence, I pass the following order.

: O R D E R :

[I] The interim protection granted by this court on 26.7.2021 is made absolute and confirmed.

[II] The applicant shall attend the concerned police station as and when called and shall cooperate with the police in the investigation.

[III] He shall not tamper with the evidence.

7] The application stands disposed of in aforesaid terms.

**[V.G. BISHT]
JUDGE.**

grt/-