

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

908 ANTICIPATORY BAIL APPLICATION NO.1211 OF 2021

AJAY @YOGESH S/O NANADKUMAR KUMAVAT
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Ujwal Patil, Advocates for the applicant.
Mr.A.S.Shinde, A.P.P. for respondent - State.

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CORAM : **PRAKASH D. NAIK, J.**

DATE : 18-11-2021

ORDER :

1. Crime No. 221/2021 has been registered with Gangapur Police Station, District Aurangabad under Sections 324, 326, 504, 506 of the Indian Penal Code (for short, "I.P.C.") on 27th May 2021.

2. The case of the prosecution is that, on account of rash driving by one Narwade, the complainant had approached the police and complaint was lodged with regard to rash driving. On 26.05.2021, Jagdish Salunke, Ajay Kumavat (applicant) and Amol Pankade approached the complainant and questioned him about the complaint lodged against the driver of Jagdish Salunke about rash driving. Ajay Kumavat (applicant) picked up tile lying at the place of the incident and gave blow on the head and hand of the complainant. Amol Pankade caught hands of the complainant and Jagdish Salunke assaulted him by brick on his head. Brother-in-law of the complainant intervened and he was assaulted by Amol

Pankade with tile on his hand. Thereafter the applicant, Jagdish Salunke and Amol Pankade pulled the complainant on floor and all of them assaulted him with wooden logs causing serious injuries.

3. Learned Advocate for the applicant submitted that custodial interrogation of the applicant is not necessary. He is willing to cooperate with investigation. The other accused were arrested and granted bail. The investigation is in progress since May 2021 and it must be over. The applicant is willing to cooperate the investigation by attending the Investigating Officer. The injuries sustained by the injured were not of serious nature.

4. Per contra, learned A.P.P. submitted that there are four criminal antecedents against the applicant. The offences were registered vide Crime No. 390/2020 under Sections 143, 147, 148, 324, 337, 323, 504, 506 of the IPC, Crime No. 190/2016 under Sections 307, 143, 147, 148, 149, 323, 504, 506 of the IPC, Crime No. 283/2018 under Sections 354 (A) (2), 354 (D), 352, 292, 504, 506 of the IPC and Crime No.60/2019 under Section 12-A of the Maharashtra Gambling Act. Learned A.P.P. also pointed out the injury certificate of Shrinath, which shows that he had sustained contusion on forearm. Injury was of grievous nature. The injury certificate of Gopal Sonawane indicates that he had sustained grievous injury on forearm and simple injury on occipital parietal region.

5. Specific overt act has been attributed to the applicant. The version of the complainant is supported by injury certificates. In the past, the applicant was involved in four cases. Considering this aspect, no case for grant of anticipatory bail is made out. Hence, the application is rejected and disposed of.

(PRAKASH D. NAIK, J.)

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