

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.450 OF 2020**

Mahesh Chandrakant Dindalkupe .. Applicant

Vs.

The State of Maharashtra .. Respondent

...

Mr. Prashant P. Raul for the applicant.

Mr. S.H. Yadav, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 30TH OCTOBER, 2021.

P.C:-

1. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. On 28/02/2020, the applicant was admitted to protection from arrest. Pertinent to note that the applicant is arraigned as an accused in C.R. No.259 of 2018 registered with Rajarampuri Police Station, Kolhapur, at the instance of one Dhanaji Thanaji Patil, who alleged that he was assaulted by some assailants on

27/07/2018 and since his name is not mentioned by the complainant, his name is not included in the FIR, but it has surfaced subsequently on account of statements of some witnesses. The certificate of the injured Dhanaji Patil is at page 67, which refers to an injury of CLW 4 x 0.5 x 0.5 cm. on the vertex left side and the nature of injury is described as simple. In the remark column, it is stated that the patient was treated and was discharged against medical advice on 27/07/2018.

3. My attention is invited to a cross FIR filed by Jayashree arraigning the complainant in C.R. No.259 of 2018 as an accused along with 18 other accused. Pertinent to note that the said FIR is filed in respect of the same incident and the medical report of the injured Jayashree and Surekha is also placed on record and though Jayashree has not suffered any external injury, the x-ray of her left wrist indicates that “*mild displaced fracture of distal end of left radinc surrounding soft tissue swelling*” whereas, the injury certificate of Surekha referred to multiple abrasions on left forehead caused by hard and blunt weapon. The injuries are descried as simple.

4. In the wake of the aforesaid, it can be seen that there are two cross-FIRs and though the injury sustained by the complainant in C.R. No.259 of 2018 is a simple injury, Section 307 has been invoked. I am inclined to confirm the order of protection from arrest granted to the applicant on 28/02/2020.

AJN

The said order is made absolute subject to the same stipulation that he should render his co-operation in investigation.

5. The application is disposed of.

[SMT. BHARATI DANGRE, J.]