

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

ANTICIPATORY BAIL APPLICATION NO.717 OF 2021

1. Ravi @ Pintu Parashuram Bansode
 2. Avinash @ Ambadas
Parashuram Bansode
- Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr.Viresh V. Purwant, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 15th MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1250/2020 registered with Jail Road Police Station, Solapur City, under sections 324, 326, 504, 506 r/w 34 of the Indian Penal Code and under section 135 of Maharashtra Police Act.

2. Heard Mr.Viresh V. Purwant, learned counsel for the Applicant and Ms.A.A. Takalkar, learned APP for the State.

3. The FIR is lodged by one Renuka Laxman Aare. She has stated that the Applicants, Shashikant Bansode and Shrikant Bansode are sons of one Parshuram Bansode, who was residing near the house of the first informant. There used to be frequent quarrels because Shrikant used to sell illicit liquor near their house and the informant's family was annoyed because of that. On 07/10/2020, at about 05.00 p.m., some persons were creating disturbance in the area after consuming liquor. Therefore the informant's son Dundesh told Shrikant Bansode to stop his illegal business. A quarrel ensued. There is allegation that there was altercation between the informant's group and the Applicant's group. During the altercation, accused Shashikant assaulted Rahul with sickle on his head. Applicant No.1 gave a blow with bamboo on Kamalkant Bansode's head. The Applicant No.2 gave blows with bamboo on the informant and her son Dundesh. Thereafter everyone went away. On this basis, the FIR is lodged.

4. Mr.Purwant, learned counsel for the Applicant invited my attention to the cross FIR lodged by the Applicant No.2 against Renuka's group. That FIR is registered vide C.R. No.1249/2020 at the same police station on 07/10/2020 u/s 323, 324, 504, 506 r/w 34. Subsequently, section 326 of IPC is added. He submitted that the cross FIR shows that the Applicant Avinash Bansode was brutally assaulted, which is reflected in the injury certificate. He therefore submitted that the case against the Applicants is not true and they are falsely implicated. Therefore their custodial interrogation is not necessary.
5. Learned APP produced the medical certificate of the injured from the informant's group and opposed the application.
6. I have considered these submissions. From the informant Renuka's group Rahul had suffered one simple CLW on midfrontal region with dimension 3 x 0.2 x 0.2 cms. Kamalkant had suffered two injuries on the head. They are of dimension 3 x 0.2 x 0.2 cm. However the nature of injury could

not be mentioned as Kamalkant had left the hospital against medical advised. Dundesh did not suffer any external injury. As against that, the Applicant No.2 has suffered a serious head injury. The medical certificate annexed to this Applicant shows that there was fracture of fronto temporal bone and there was cerebral oedema.

7. Learned APP on instructions of the Investigating Officer did not dispute this medical certificate. Thus it can be seen that the Applicant No.2 has suffered grievous injuries affecting his brain. The FIR lodged by Renuka does not make any reference to any such injury. Therefore the allegations in the FIR are not depicting complete truth. The Applicants also get right to private defence considering nature of injuries suffered by the Applicant No.2. In this view of the matter, custodial interrogation of the Applicants is unjustified and they can be protected by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.1250/2020 registered with Jail Road Police Station, Solapur City, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)