

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO.1548 OF 2021**

|                           |               |
|---------------------------|---------------|
| Sajjad Faiyaz Mulla & Anr | .. Applicants |
| Versus                    |               |
| The State of Maharashtra  | .. Respondent |

...

Mr. Nitin B. Patil for the applicants.  
Mr.A.R. Kapadnis, APP for the State.

**CORAM: BHARATI DANGRE, J.**  
**DATED : 15<sup>th</sup> JULY 2021**

**P.C:-**

1           The applicants are apprehending their arrest in C.R. No. 92 of 2021 registered with Jath Police Station, invoking Section 367, 342, 326, 327, 143, 148, 149, 504, 506 of the IPC. The Application filed by the applicants came to be rejected by the Addl. Sessions Judge, Sangli on 9<sup>th</sup> March 2021. Hence, the present application.

2           The C.R. in question came to be registered on a complaint filed by one Abhishek Kambale, alleging that on 19<sup>th</sup> February 2021, he was accompanying his friends to Shivaji Chowk for watching the programme organized on account of Shiv Jayanti. At around 8.30 p.m, the quarrel had ensued between one Dhananjay Chavan and Avinash Sale wherein he

intervened and at that time, one Rohan Kale arrived at the spot and by holding his shirt started verbally abusing him. The people who were present there, attempted to resolve the quarrel and pulled Rohan on one side.

During the programme, when the complainant went outside for drinking water, Rohan Kale arrived there and started abusing him. He picked up a stone and attacked him on his head. At that time, the close relation of Rohan – one Rahul Kale and one unknown person arrived at the spot on Scooty and the said persons assaulted the complainant and his friends – Rutik and Rayappa. The complainant was made to sit on the vehicle and brought to a place at Umrani Road Paradhi Tanda. He was made to disembark from the vehicle and Rahul Kale and an unknown person followed by Namdeo Kale, one Sajjan Mulla, Avinash Jadhav and other named accused persons surrounded him and assaulted him by means of bamboo on his face, stomach, back and injured him. Thereafter, he was taken in one room and threatened with dire consequences if he would disclose the incident to some person. The complainant received a phone call of his friend and he was rescued. These allegations resulted in registration of C.R.no. 91 of 2021 wherein the present applicants are arraigned as accused.

3            On the last date of hearing, the learned APP was directed to produce the medical certificates of the injured being

the complainant Abhishek, one Rutik and Rayappa. The certificates are produced by the learned APP.

4 As far as the complainant Abhishek Kamble is concerned, the MLC certificate record the following injuries :

| Name of Injury     | Site of Injury | Dimension     | Cause of Injury       | Age of Injury   | Nature/ Remark |
|--------------------|----------------|---------------|-----------------------|-----------------|----------------|
| Laceration         | Low hip        | 1 cm x 0.5 cm | Hard and sharp object | Within 24 hours |                |
| Bleeding from Nose | Nose           |               | Hard and blunt object | Within 24 hours |                |
|                    |                |               |                       |                 |                |

On C.T. Scan, the report reflect as under :-

### 3D CT FACE

*“Visualised brain parenchyma appear normal.  
Soft tissues swelling noted in Rt. Maxillo facial region. Rt.infra orbital region.  
Linear displaced fracture of ramus of mandible on RL.  
Linear displaced Lt. Parasymphyseal fracture noted.  
Rest of the bones and soft tissues appear normal”.*

5 As far as injured Rayappa is concerned, MLC record the following injuries.

| Name of Injury | Site of Injury                 | Dimension          | Cause of Injury       | Age of Injury   | Nature/ Remark |
|----------------|--------------------------------|--------------------|-----------------------|-----------------|----------------|
| Laceration     | Right temporal Parietal Region | 3 cm x 2 cm x 1 cm | Hard and sharp object | Within 24 hours |                |
| Crush injury   | Left Index finger              |                    | Hard and blunt object | Within 24 hours |                |
|                |                                |                    |                       |                 |                |

6           Another injured is Rutik who suffered a Laceration on Right Frontal scalp and the injury is Simple Injury. Considering the injuries sustained by the complainant and his friends and the specific role attributed to both the applicants who participated in the assault, the custodial interrogation of the applicants is necessary to ascertain the nature of incident and moreover, to trace out the unknown persons who participated in the said incident. In the backdrop of the allegations levelled, the custodial interrogation of the applicant being necessary, they do not deserve any protection in anticipation from arrest.

7           Application is rejected.

**SMT. BHARATI DANGRE, J**