

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1577 OF 2021

Yuvraj Kushaba Sawant .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Nilesh Joshi i/b Mr. Prasad Kulkarni for the Applicant.

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

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 17TH JULY, 2021.

P.C:-

1. The Applicant is arraigned as an accused in C.R. No.272 of 2021 registered with Mangalvedha Police Station, District Solapur, thereby invoking Sections 326, 324, 504, 506, 143, 147 and 149 of the IPC, The incident reported is of 15/05/2021, where the Complainant has alleged that on the previous day, some quibble had occurred with the Applicant on account of light depot and, in revenge of the said incident, on 15/05/2021, the Applicant is alleged to have assaulted the members of the

Complainant's family. The allegation leveled against the Applicant is that he assaulted the cousin of the Complainant Sachin Bhosale by means of a rod and one Bablu Sawant had assaulted his cousin Anusaya, causing grave and serious injuries on her head.

2. In the backdrop of the narration contained in the complaint, learned A.P.P. was instructed to bring on record the medical certificates of the injured. Complying the said direction, the certificates are placed on record. As far as Sachin Bhosale is concerned, the injury certificate issued by Rural Hospital, Mangalwedha, discloses that he sustained three injuries which are in the form of laceration, the location being forehead, occipital region and left side of head. All the three injuries are recorded to be simple injuries. Similarly, the Complainant Kashiling has also sustained two injuries; one laceration and another contusion, both being described as simple injuries. The certificates of other injured Anusaya, Samir and Khandu are also placed on record and the injuries sustained are simple injuries.

3. In such circumstances, invocation of Section 326 of the IPC in the CR *prima facie* cannot be maintained. Needless to state that at the time of framing of charge, the competent court would take cognizance of the said aspect of the matter. *Prima facie*, by going through the narration in the complaint and in the nature of the injuries suffered by the injured persons being

simple and on appreciation of the role attributed to the Applicant, in my opinion, the custodial interrogation of the Applicant is not warranted, but the Applicant is expected to co-operate with the investigation by reporting to the Investigating Officer. Hence, the following order:

: ORDER :

- (a) In the event of arrest, the Applicant – Yuvraj Kushaba Sawant, shall be released on bail in C.R. No.272 of 2021 registered with Mangalvedha Police Station, District Solapur, on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (c) The Applicant shall report to the Mangalvedha Police Station, District Solapur, on every Monday and Friday between 10.00 a.m. 1.00

p.m. for four weeks and, thereafter, as and when called by the Investigating Officer.

4. The Application is allowed in the aforestated terms.
5. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]