

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

CRIMINAL APPLICATION NO. 449 OF 2018

Yuvraj Kamlakar Phadtare ... Applicant
Versus
Satapal Bhimrao Phadtare And Anr. ... Respondents

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Mr. Shailesh D. Chavan, Advocate for the Applicant.
Mr. S. R. Agarkar, APP for the Respondent – State.
Mr. Prakash Mane, Satara Taluka Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 16th SEPTEMBER, 2021

PER COURT:

1. The applicant is the original complainant. This is an application under Section 439(2) of Cr.P.C. seeking cancellation of anticipatory bail granted to respondent No.1 vide order dated 26th July, 2018.

2. The First Information Report (for short 'FIR') was registered vide C.R. No. 333 of 2018 with Satara Taluka Police Station, Dist. Satara for offences under Sections 307, 341 & 506 of Indian Penal Code (for short "IPC"). The complainant has alleged in the FIR dated 15th June, 2018 that there were frequent dispute on account of agricultural property between both the sides. On the day of incident. The applicant came on the motorcycle. He

questioned the complainant as to why he is proceeding from the road which passes through his agricultural land. The accused threatened him. He picked up the stone lying at the place of incident and threw it on the complainant from close distance. He sustained injury over his eyebrow. The accused again repeated the act causing injury to his hand. Thereafter, the accused removed the wooden stick and assaulted the complainant for injuries.

3. Learned counsel for the applicant submitted that the learned Sessions Judge ought not to have granted anticipatory bail in the present case. The offence is of serious nature. Specific role of assault was attributed to the applicant. The discharge card indicate that the injured was assaulted causing CLW over head and fracture involving distal meta-dyaphysis of fibula. In spite of injuries sustained by the complainant, learned Sessions Judge has granted pre-arrest bail. The custodial interrogation of the applicant/accused was necessary. There is no reference to the injuries sustained by the complainant in the order allowing the application for anticipatory bail.

4. Learned APP on instructions submitted that pursuant to the grant of anticipatory bail, investigation was completed and the charge-sheet was filed against the accused on 30th December,

2018.

5. The incident is of 12th June, 2018 and the FIR was registered on 15th June, 2018. The complaint itself mentions that there are disputes between the parties on account of agricultural land. On the day of incident complainant was walking on the road, at that time the applicant had allegedly accosted him. He picked up the stone and assaulted him and thereafter, the assault was mounted by stick. Learned Judge while allowing the application has considered the fact that there were frequent disputes between both the sides. There are series of complaints lodged against the informant and there are equal complaints registered against the informant. The motorcycle, stick and the stone are already recovered and hence, custodial interrogation of the applicant is not required. Charge-sheet has been filed. I do not find any reason to deviate from the reasons assigned by the Sessions Court for granting pre-arrest bail. Hence, the application deserves to be rejected.

ORDER

Criminal Application No. 449 of 2018 is rejected and disposed of accordingly;

(PRAKASH D. NAIK, J.)