

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

ANTICIPATORY BAIL APPLICATION NO. 91 OF 2021

Raj Raghunath Vekhande	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Vishal Patil for Applicant.
Mr. Ajay Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 09th APRIL, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. I 130 of 2020 registered at Kinhavli Police Station, Taluka Shahapur, Dist. Thane, under sections 326, 450, 324, 143, 147, 149, 188, 269, 427, 504 and 506 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Vishal Patil, learned counsel for the applicant and Shri. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Vishal Hajare. He has stated that, there was a

quarrel between his group and the applicant's group in the month of April, 2020. On 18/05/2020, at about 5:30p.m. when the informant was returning home, the applicant saw him and abused him. After some time, present applicant and about 30 others came near him with sticks. The applicant was allegedly carrying an axe and he started assaulting the informant. The applicant gave a blow with axe on the informant. The informant put his left hand up to save himself. Therefore, he suffered injury on his left wrist and left leg. At that time his neighbours Ajit, Dnyaneshwar and his mother came to save him. They were also assaulted. There are allegations that the applicant gave a blow with axe on Dnyaneshwar's head causing injury. They damaged informant's vehicle etc. His father Anant was also assaulted by axe. Thereafter the accused went away.

4. Learned counsel for the applicant submitted that the narration in the F.I.R. is highly exaggerated. Nobody had suffered grievous injury, therefore, the applicant should be granted anticipatory bail.

5. Learned APP relied on medical certificates. There are

03 medical certificates produced before me. They are in respect of Dnyaneshwar, Meerabai and Anant. Out of them, Meerabai and Anant have not suffered any injury. Dnyaneshwar had suffered three injuries; 1) simple injury on forehead of dimension 1cm x 1cm x 0.5cm. 2) abrasion on left arm and 3) swelling on right hand. The police report shows that there was fracture of 2nd and 5th metacarpal head with callus formation. Therefore, prosecution is alleging that it could be offence under section 326 of IPC.

6. Learned APP opposed this application.

7. I have considered these submissions. From the narration in the F.I.R. it is the case of the informant that, all the 30 persons assaulted informant's group with weapons like sticks and axes. There are specific allegations that, his parents Meerabai and Anant were also assaulted. However, injury certificates show that they have not suffered any injury. There are allegations that the applicant gave a blow of axe on Dnyaneshwar's head. However, his medical certificate shows that there was one simple injury of dimension of 1cm x 1cm x 0.5cm on his forehead. Therefore, this is also not in consonance with the allegations in the F.I.R. There

are no allegations that the applicant had given any blow on the right hand of Dnyaneshwar causing fracture. Apart from that, there does not appear to be any serious injury caused to anybody. The offence is quite old and it has taken place on 18/05/2020, therefore, after so many days, in the background of injuries referred to herein above, custodial interrogation of the applicant is not necessary. He can be protected by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 130 of 2020 registered at Kinhavli Police Station, Taluka Shahapur, Dist. Thane, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)