

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.392 OF 2020**

Mahesh Kaluram Shinde & Anr. .. Applicants

Versus

The State of Maharashtra .. Respondent

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Ms.Swarali Joglekar i/b Mr.Abhishek Yende for the Applicants.

Mr.S.H.Yadav, APP for the Respondent.

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CORAM: BHARATI DANGRE, J.

DATED : 30th OCTOBER, 2021

P.C:-

1. Heard learned counsel for the applicants and the learned APP.

2. C.R.No.111 of 2019 was registered with Murbad Police Station on a complaint being lodged by Satish Arjun Shinde alleging that on 25/03/2019, he was assaulted by some persons and applicant No.2 is given a role of assaulting him on his left waist portion by means of an iron rod, which he was holding. As far as applicant No.1-Mahesh is concerned, it is alleged that he assaulted him by fist and kick blows. On the aforesaid complaint, crime came to be registered by invoking the provisions of Sections 323, 324, 326, 504 read with Section 34 of the IPC. Since the applicants were apprehending their arrest, they approached this Court.

3. On 18/02/2020, while admitting the applicants to the protection from arrest during the pendency of the application, the Court has recorded that the complainant was examined at Rural Hospital, Murbad and the doctor had reported two simple injuries on his person. However, he was subsequently admitted to the Murbad Multi-Speciality Hospital, which certified that there is one more grievous injury in addition to the two simple injuries. Learned APP sought time to ascertain the said position and imposing condition of rendering co-operation in investigation, the applicants were admitted to the interim protection, in the event of their arrest.

4. The said order, passed on 18/02/2020, continue to remain in force till today. Learned counsel for the applicants has invited my attention to a document dated 28/03/2019 at page 31 of the application, which is a letter addressed by the Investigating Officer to the doctor of the Multi-Speciality Hospital. By the said letter, information regarding the nature of injuries sustained by the complainant was sought for. The said letter is responded by the concerned doctor, in the following manner :-

“This patient is not admitted in my hospital on duration 24/03/2019, not OPD or IPD”.

5. In the wake of the aforesaid revelation in the document and since there is a cross FIR, which is filed by Dinesh Kaluram Shinde wherein the complainant himself is arraigned as an accused alongwith three other persons, I deem it

appropriate to confirm the interim protection granted in favour of the applicants on 18/02/2020.

Order dated 18/02/2020 is made absolute. There is no need to pass any order for attendance, since it is informed that on completion of investigation, the charge-sheet is filed.

(SMT. BHARATI DANGRE, J.)