

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.443 OF 2020

Avinash Nagraj Golait .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Jayendra D. Khairnar for the applicant.

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

Mr. N.B. Rajpur, ASI attached to Malegaon, Taluka Police Station, Nashik Rural is present in the court.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 30TH OCTOBER, 2021.

P.C:-

1. This court has admitted the applicant to protection on 24/02/2020, in the event of his arrest. The court recorded that the complainant initially went to Malegaon Civil Hospital, which advised C.T. Scan and later on he got himself examined from a private hospital, which indicates that the complainant had sustained a serious injury. In the wake of the discrepancy, it was directed that the report from the Malegaon Civil Hospital shall

AJN *This order stands corrected as per speaking to the minutes of order dated 23.11.2021.*

be produced on record.

2. In furtherance of the direction, learned A.P.P. has produced a report dated 19/07/2021 at the hands of Medical Officer, Malegaon General Hospital, Dist. Nashik. The certificate reveals that the complainant Sachin Madanlal Kakariya was examined in the hospital and sent to higher centre for (Refer) treatment but the patient absconded on 27/09/2019. Learned A.P.P. has also placed on record, the certificate from the private hospital at Malegaon. The injury is described as '*Blunt trauma to head*'. The injury is described as grievous injury. Further the C.T. scan report is also placed on record which does not record any fracture and all other parameters are reflected to be 'normal' and the said report reads as under:

“Plain non contrast enhanced axial CT scan sections of the brain were obtained 5 mm sections of the posterior fossa and 10mm sections thereafter were taken.

*No fracture noted is visualized bones.
The ventricular system are NORMAL
No midline shift or mass effect is seen.
The cerebellar hemispher is normal
The basal cisterns and base of the skull are also normal*

E/o. Diffused cerebral edema is noted.”

3. In the light of the aforesaid, though the applicant is

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attributed to the said injury, in view of the conflicting reports and when the C.T. Scan actually does not record any fracture and the parameters are shown to be normal, I deem it appropriate to confirm the order dated 24/02/2020. This shall be subject to the stipulation that the applicant shall render all his co-operation to the Investigating Officer.

4. The application is disposed of.

[SMT. BHARATI DANGRE, J.]