

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

ANTICIPATORY BAIL APPLICATION NO. 661 OF 2020

Santosh Shivgonda Muddur Applicant

Versus

The State of Maharashtra Respondent

Mr. Kedar J. Patil, for the applicant.

Mr. H.J. Dedhia, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 26th FEBRUARY 2021**

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No. 239 of 2019 registered at Umadi Police Station, District Sangali, on 21/12/2019 under sections 364-A, 324, 327, 427, 506, 341, 143, 148, 149 and 147 of the Indian Penal Code.

2. The FIR is lodged by Vijaykumar Basappa Patil. He has stated in his FIR that his wife Sanjota committed suicide by hanging herself on 22/7/2019. Since then

there was enmity between Sanjota's parental family and the first informant. First informant's children were with Sanjota's parental family. On 13/12/2019 the informant went to Jadar Boblad village to meet his son Saurabh. At that time, he was accompanied by others. He was waiting outside Saurabh's school. Suddenly his car was attacked. It is alleged that the applicant broke windshield of the car with a stick. Inmates were assaulted. There are allegations that the present applicant assaulted the informant with belt. There are further allegations that the informant's cash, ornaments and his companion's cash were taken away. Therefore this offence is registered.

3. Heard Mr. Kedar J. Patil, learned Counsel for the applicant and Mr. H. J. Dedhia, learned APP for the State.

4. Shri Patil, learned Counsel for the applicant submitted that this FIR is lodged belatedly. The incident was dated 13/12/2019 and the FIR is lodged on 21/12/2019. The applicant is Sanjota's brother . Their

father Shivgond had lodged immediate FIR on 13/12/2019 itself under section 452. 323, 506 r/w 34 of the Indian Penal Code, at the same Police Station against the informant Vijaykumar in the present case. In that FIR he has mentioned that the informant Vijaykumar entered in his house and had assaulted Shivgond. He therefore submitted that as a counter blast this present FIR is lodged against the applicant. He further submitted that this FIR has to be looked into in the background of previous enmity between the parties. Applicant's sister had died in suspicious circumstances. Her children were eye witnesses. The first informant wanted to take forcible custody of the children and also wanted to prevent them from deposing against him.

5. Learned APP Shri Dedhia relied on medical papers in this case and also submitted that the delay for lodging the FIR can be explained by the fact that the informant was trapped in a hostile village and therefore he could not have gone to the Police Station.

6. I have considered these submissions. I have seen the medical Certificate. Vijaykumar had suffered five injuries. They were in the nature of blunt trauma and contusions. All of those injuries were simple in nature. Avinash Thombare had suffered three injuries in the nature of blunt trauma. They are also simple in nature. Thus it appears that none of the witnesses or the informant was seriously harmed by the applicant. The incident is old. There is delay in lodging the FIR. There is previous enmity. There is FIR lodged by applicant's group. All these facts indicate that story against the applicant could be exaggerated.

7. The applicant was under protection since last more than one year. In this view of the matter, I do not find it a fit case where custodial interrogation is required. The applicant can be protected by order of anticipatory bail.

8. Hence the following order.

ORDER

- (I) In the event of his arrest in connection with C.R. No. 239 of 2019 registered with Umadi Police Station, District Sangali, the applicant is directed to be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)