

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

ANTICIPATORY BAIL APPLICATION NO.772 OF 2021

1. Dattu Mahadev More, &
2. Vijay Dattu More. Applicants
Versus
The State of Maharashtra Respondent

Mr. Kalpesh Patil, Advocate for the Applicants.
Mr. S.H. Yadav, APP for the Respondent-State.
Ms. Rekha Musale, Advocate for Orig.Complainant.

CORAM : SARANG V. KOTWAL, J.

DATE : 18th MARCH, 2021

P.C. :

1. The Applicants is seeking anticipatory bail in connection with C.R.No.22/2021 registered at Indapur Police Station, District-Pune on 13.1.2021 under Sections 326, 506 read with 34 of the Indian Penal Code. Subsequently Section 307 of IPC is also added.

2. Heard Shri Kalpesh Patil, learned Counsel for the Applicants, Shri S.H. Yadav, learned APP for the State and Ms. Rekha Musale, learned Counsel for the Orig.Complainant.

3. The FIR was lodged by one Lala Rajguru. He has described the dispute between the informant's group and the Applicant's group. It was going on since more than a year. In the night between 11th and 12th January, 2021, the informant and his son Rajendra had gone to their agricultural field to find a mobile phone, which had fallen in the field. They were travelling on road which was subject matter of the dispute. It is mentioned in the FIR that in the midnight after they found their mobile phone they were returning. At that time, the present Applicants and two more accused i.e. Ajay and Rajendra accosted them. The Applicants are father and son. The other two accused are other sons of Applicant No.1 Dattu. The FIR goes on to mention that Ajay and Rajendra were having iron rods. The Applicant Vijay was having iron pipe. The informant and his son were assaulted. There are allegations that Applicant No.1 was instigating them. In the assault, the informant's son suffered injuries. The informant also suffered serious injury. Therefore, the FIR was lodged.

4. Learned Counsel for the Applicants submitted that

before this FIR one FIR was lodged against one of the accused Rajendra under Section 354 of IPC. As a counter-blast to this FIR, the present FIR was falsely lodged against the present Applicants. He submitted that in respect of a previous dispute and quarrel there was no complaint made by the informant's group. He submitted that the injuries were not on vital part and, therefore, Section 307 of IPC is wrongly applied. He submitted that said Section 307 of IPC is applied at the behest of one Advocate from the family of the victim.

5. He further submitted that Applicant No.1 is 70 years of age and, therefore, his custodial interrogation is not necessary.

6. Learned A.P.P. as well as learned Counsel for the informant opposed this application. Learned A.P.P. produced the injury certificate before me. The injured Rajendra had suffered four simple injuries. One of them was on the head. The other three injuries were on the right leg. However, he had suffered two grievous injuries. They were fracture of knee joint of the left leg and fracture of forearm of left hand. Those

were grievous injuries. The informant Lala had suffered a blunt trauma and an abrasion. These injuries were simple.

7. Learned Counsel for the informant submitted that the injured Rajendra had to undergo surgery and he was hospitalized for a number of days.

8. I have considered all these submissions and in particular I have considered the injuries suffered by Rajendra. Rajendra has suffered two grievous injuries on leg and hand as mentioned earlier. All the accused had acted with common object. Though Applicant No.1 is not attributed any weapon but a clear role of instigation is mentioned against him.

9. Considering the seriousness of the injuries and the incident which has taken place in the midnight, custodial interrogation of the Applicants is necessary. No leniency can be shown to them at this stage. Hence, the application for anticipatory bail is rejected.

(SARANG V. KOTWAL, J.)

Pradeepkumar
P. Deshmane

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Deshmane (PS)