

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

ANTICIPATORY BAIL APPLICATION NO. 810 OF 2021

Akash Bajirao Gaikwad

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Kedar Patil for Applicant.

Mr. S. H. Yadav, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 22th MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.20 of 2021 registered with Nashik Taluka Police Station, Nashik Rural, on 03/03/201, under sections 326, 324, 323, 504, 146, 147, 148 r/w. 149 of the Indian Penal Code (for short 'IPC') and under section 37 of Maharashtra Police Act. Though, the F.I.R. was lodged on 03/03/2021, the date of incident is 14/01/2021. Initially, the F.I.R. was lodged at the same police station. Then it was transferred to another police station. It was re-

transferred to Nashik Taluka Police station. Therefore, the date of registration of F.I.R. is 03/03/2021, there is no delay as such in lodging of F.I.R. as the police had recorded statement of the informant on 17/01/2021 itself.

2. Heard Shri. Kedar Patil, learned counsel for the applicant and Shri. Yadav, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Yogesh Medhe. He has stated that, on 14/01/2021, at about 7:00p.m. he had gone for dinner at Pilot Dhaba, Mumbai Agra road. There he met the present applicant. The informant, applicant and one Rushikesh Pawar had dinner together. The applicant left after dinner. At about 11:00p.m. the informant and his friend Rushikesh were going towards Vilholi. They reached Ambad. They stopped their car. One Vijay Gaikwad came near him and they were discussing about some financial transaction. At that time, the informant saw that the present applicant was also there in his Skoda car. Therefore, the informant started chatting with the applicant. In the meantime, 15 to 20 persons came aggressively towards them and straightway started assaulting the informant.

The informant was assaulted on his head and near his left ear with sticks. It is his case that he saw one Milind Gaikwad assaulting him with stick on head. While narrating the incident, the informant had stated that the applicant Akash along with other named persons assaulted him sticks on his head, neck, hands, legs and chest. He became unconscious and thereafter all of them went away. The informant was taken to hospital for treatment. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the F.I.R. was lodged because the applicant's father had won the local election and, therefore, because of political reasons the applicant is unnecessarily named in the F.I.R. He submitted that, narration in the F.I.R. itself shows that the applicant and informant were on good talking terms. The applicant was not one of the members of an unlawful assembly.

5. Learned APP opposed this application based on the averments made in the F.I.R. He relied on the medical papers of the injured first informant.

6. I have considered these submissions and I have

perused the medical certificate. The medical papers show that the informant had suffered three injuries. Two injuries on the head were described as simple injuries. There was only one grievous injury showing partial amputation of left ear. It was specifically mentioned that the injury was caused by sharp object. In the entire description of the incident, the informant has not stated that any of the members of the unlawful assembly was carrying any sharp weapon. The applicant initially was not even attributed any weapon. I have also perused the statement of Rushikesh Pawar who had accompanied the informant right from the time they had dinner together. He has not named the present applicant as one of the assailants. Though, learned APP submitted that, he was ran away from the spot, still he has seen part of the incident. He has stated that, the applicant and informant were on cordial talking terms and they were standing talking with each other when 15 to 20 persons came there and started assaulting the informant. In this view of the matter, sufficient doubt is created about participation of the present applicant in the offence. Therefore, he can be protected by an order of anticipatory bail, though, he will have to

attend the concerned police station and will have to co-operate with the investigation.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.20 of 2021 registered with Nashik Taluka Police Station, Nashik Rural, the applicant is directed to be released on bail on his furnishing 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 Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)