

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

ANTICIPATORY BAIL APPLICATION NO.961 OF 2021

Somnath Shivaji Patil

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr.Purushottam G. Chavan, Advocate for Applicant.
- Mr.H.J. Dedhia, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th MAY, 2021

(through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.66/2021 registered with Pandharpur Rural Police Station, Solapur Rural, under sections 326, 324, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Sandip Anil Patil. He has stated that on 10/02/2021 at about 08.30 a.m. four accused including the present Applicant, who are named in the FIR came

near him and because of earlier quarrel picked up fight with him. They threw chilly powder in his eyes. Accused Samadhan Patil gave blow with iron rod on his nose. Shahaji Patil gave blow with sickle on his nose and near his lips. Balaji Patil and Applicant abused and threatened the informant. They also assaulted him with kicks and fist blows. The informant's family members came there to intervene. They were also assaulted. On this basis, FIR is lodged.

3. Heard Mr.Purushottam G. Chavan, learned counsel for the Applicant and Mr.H.J. Dedhia, learned APP for the State.
4. Learned counsel for the Applicant submitted that the Applicant is named in the FIR because of previous enmity. The description in the FIR is exaggerated. The main role is not attributed to the Applicant.
5. Learned APP produced medical certificate for injuries suffered by the informant.

6. I have considered these submissions and I have perused the medical certificate. As far as the Applicant is concerned, he is not attributed the role of giving blow with iron rod. He is alleged to have thrown chilly powder in the informant's eye. However, medical certificate does not support this allegation. The FIR mentions that two blows were given on the face of the informant. One was on the nose and the other was given by sharp weapon on the lips. However, medical certificate shows only one injury i.e. fracture of nasal bone. This particular injury is attributed to accused Samadhan Patil. Thus, it appears that the narration in the FIR is exaggerated. In any case, the Applicant is attributed a very minor role. Therefore he can be protected by anticipatory bail order. Learned APP pointed out that there three antecedents against him. Therefore some conditions can be imposed on him.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.66/2021 registered with Pandharpur Rural Police Station, the Applicant is directed to be released on bail on his furnishing PR 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 once a week till filing of the charge-sheet and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)