

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

ANTICIPATORY BAIL APPLICATION NO. 1133 OF 2021

Rajendra @ Raju Balaram Patil	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Shantanu R. Phanse, Advocate for the Applicant.

Ms. Anamika Malhotra, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : MAY 03rd, 2021.

P.C. :

This is an application for anticipatory bail, in connection with C.R.No.142 of 2021, registered with Padgha Police Station, Thane Rural, for the offences punishable under Sections 307, 324 and 504 read with 34 of Indian Penal Code ("IPC", for short) as well as Section 67 of Information Technology Act.

2 First Information Report ("FIR", for short) was lodged by Jagdish Patil on 27th March, 2021. The case of the prosecution is that photograph of cousin of the complainant was posted on Facebook by Kunal Patil. He was questioned by the complainant.

On the day of incident, the complainant and others had visited house of Kunal to question him about the uploading of photographs of the complainant's cousin on Facebook. At that time, Kunal, Sanjay, Raju Patil came with wooden log, chopper etc. The complainant was assaulted by the accused. Threats were issued to him and others. Applicant had allegedly assaulted by wooden log.

3 Learned advocate for the applicant submitted that the applicant has no connection with the offence. He has no criminal antecedents. He has allegedly used wooden log. Injuries are caused by sharp weapon. Complainant had made reference to the witness Ingraj in the FIR. The said witnesses have filed an affidavit stating possibility of the applicant being falsely implicate.

4 Learned APP submitted that specific overtact has been attributed to the applicant. The offence is of serious nature. The accused were armed with weapons.

5 I have perused the FIR and other documents. The incident had occurred at midnight. The complainant and others

had visited the house of Kunal Patil who had uploaded photographs of the cousin of the complainant. At that time, they were assaulted. The co-accused were armed with wooden log. Considering these circumstances, *prima facie*, case is made out against the applicant. Affidavit of the witnesses relied upon by the applicant, cannot be relied upon, at this stage. No case for anticipatory bail is made out. Anticipatory Bail Application No.1133 of 2021, is rejected, and, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)