

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

ANTICIPATORY BAIL APPLICATION NO. 1245 OF 2021

Bhaskar Maruti Chavan

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Laxman K. Kalel for Applicant.

Mr. S. R. Agarkar, APP for State/Respondent.

Mr. Ramakant Patil for original complainant.

CORAM : SARANG V. KOTWAL, J.

DATE : 17th MAY, 2021

(Vacation court)

(Through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.165 of 2021 registered at Walchand Nagar Police Station, Pune, on 16/04/2021, under sections 307, 324, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Laxman Kalel, learned counsel for the applicant, Shri. Agarkar, learned APP for the State and Shri. Ramakant Patil, learned counsel for the original complainant.

3. The First Information Report (for short 'F.I.R.') is lodged by one Amirul Mandal. He has stated that, he was employed as Manager with one Balkrushna Lonari. On 16/04/2021, at about 10.00p.m. when he was returning home, at that time, one Dada Bhalerao approached him and straightaway started beating him. He was abused and he was pushed on the ground. Dada Bhalerao telephonically called Raju Bhalerao and the present applicant. The informant ran away to save himself. He hid in one godown. Dada Bhalerao carrying stone, followed him. Raju Bhalerao was having heavy wooden stick. The informant was pulled out of the godown. Dada gave blows with stone on his thumb. The applicant beat him with hands. Raju gave a blow with heavy wooden stick on his head and then they went away. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that, main role is attributed to Raju Bhalerao who is granted bail and, therefore, the applicant should also be protected.

5. Learned APP opposed this application and relied on the medical certificate.

6. I have considered these submissions and, in particular, I have perused the medical certificate. The nature of injury shows that there was subdural extradural and intracerebral hemorrhage. Thus, head injury appears to be quite serious. Though, the applicant is not attributed that particular injury, all the accused with common intention had approached the informant with their respective weapons. One of the accused i.e. Raju had caused this blow. But at this stage of anticipatory bail, their roles cannot be separated. Considering seriousness of the allegations the applicant cannot be protected by an order of anticipatory bail.

7. Application is rejected.

(SARANG V. KOTWAL, J.)