

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1901 OF 2021

Vinod Vikram Shinde .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Rahul S. Kate for the Applicant.
Mr.A.R.Kapadnis, APP for the State.

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CORAM: BHARATI DANGRE, J.
DATED : 12th AUGUST, 2021

P.C:-

1. In anticipation of arrest in C.R.No.231 of 2021 registered with Yavat Police Station, the applicant, who is arraigned as accused No.1, seeks his release on bail. The C.R. invokes Sections 307, 323, 504, 506 read with Section 34 of IPC.

2. The complainant is one Sachin Shinde, who is resident of Deulgaongada and who runs a kiln. His family was associated with Karmala where his father was a 'sarpanch' at Bhalvani Taluka and since two years, an amount of Rs.40,000/- from fund of 'Shivjayanti' was lying with his younger brother Ankush.

3. On 12/03/2021, his father received a phone call from the applicant about the fund amount and he was asked to reach KGN Hotel. On reaching there, a verbal altercation took place

between the two. At around 3.30 p.m., when the complainant alongwith his brother Ankush and his father were present near Mahalaxmi Hotel, the applicant alongwith three other accused persons, arrived at the spot. All the four accused persons were armed with iron rods and the applicant is alleged to have yelled at his father and he alongwith Keshav Shinde (accused No.3) assaulted his father by means of the rod, and the first blow landed on his hand and another blow was given on his head. When the complainant and his brother intervened, they were also assaulted by accused No.2-Somnath by means of rod and his brother was assaulted by accused No.4-Rajendra by fist and blows. Even when his father was lying in a pool of blood, the applicant is alleged to have said that he will finish him. This incident resulted in registration of crime.

4. The injury certificate of Vasant Shinde, the father of the complainant, record two CLWs, the first located on left front temporal region of size 12 x 2 x 2, bone deep, skull fracture and is a grievous injury. The CT Scan record fracture of left frontal parietal bone, fracture of frontal bone and fracture of left occipital parietal bone. Another injury is a simple injury in form of CLW on forehead. The complainant himself sustained one simple injury in form of CLW over skull midline, on account of assault from Somnath.

5. During investigation, statements of Ankush Vasant Shinde, Mohini Ankush Shinde and Kailas Pandurang

Baravkar are recorded. There is statement of one independent person namely, Ashok Thorat, who was acquainted to the injured as well as the assailants and he corroborated the complainant, on the aspect of assault.

6. Learned counsel Mr.Kate appearing for the applicant made a feeble attempt to invite the attention to the discrepancy in the statement of the injured Vasant Shinde, who has stated in his statement that he was assaulted by Somnath Shinde and Keshav Shinde on his head by means of rod. The statement of the injured is recorded on 19/04/2021 after being discharged from the hospital on 30/03/2021. Vasant has narrated the entire incident in corroboration with the informant and other witnesses, but he attributed the assault on him to Somnath and Keshav. The benefit of the inconsistency, at the most, can be derived at the time of trial.

However, taking into account the seriousness of the allegations levelled and on perusal of the injury sustained by the father of the complainant, an offence under Section 307 is, *prima facie*, made out and, warrant custodial interrogation. The application deserves a rejection and is, accordingly, rejected.

(SMT. BHARATI DANGRE, J.)