

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

ANTICIPATORY BAIL APPLICATION NO.994 OF 2020

Jalindar Shankar Lokhande Applicant
Versus
The State of Maharashtra Respondent

Mr. Satyavrat Joshi i/b. Nitesh J. Mohite, Advocate for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th JANUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.193/2020 registered at Shirval Police Station, District – Satara on 2.11.2020 under Sections 324, 323, 504, 506 read with 34 of the Indian Penal Code. The FIR was lodged at about 8:00 p.m..

2. Heard Shri Satyavrat Joshi, learned Counsel for the Applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The FIR was lodged by one Dashrath Lokhande. He has stated in his FIR that the Applicant was constructing some part

of his house at Sangvi. The first informant Dashrath had some dispute with the Applicant regarding the exact area where the Applicant could make construction. The first informant Dashrath went to the place where the Applicant was constructing some part of his house. The informant's brother Vijay Lokhande also reached there. Both of them told the Applicant to stop his work of construction. The Applicant refused. It is further alleged that the Applicant picked up brick and tile lying there and hit the informant's brother Vijay on his head, due to which he suffered head injuries. It is alleged that the Applicant then gave blows to Vijay's wife Meena. Vijay's daughter Raveena also suffered some injury on head. It is on these allegations, the FIR is lodged.

Submissions :

4. Shri Satyavrat Joshi, learned Counsel for the Applicant invited my attention to the FIR lodged by the Applicant's wife at the same police station, vide C.R. No.192/2020 dated 2.11.2020. This FIR was lodged at about 7:20 p.m., mainly under Sections 354-A, 324 and other Sections of IPC. The narration in this FIR lodged by the Applicant's wife Sujata is that, on the same day, at the

same time Dashrath and Vijay came to their place. Vijay outraged Sujata's modesty. Then Vijay picked up an iron rod lying there itself and assaulted the Applicant on his head causing injury. On this basis, the FIR is lodged.

5. Shri Joshi submitted that the informant Dashrath and Vijay were the aggressors and the Applicant had only retaliated in response. He submitted that there was a long standing dispute between the parties and this incident is a fall out of the same.

6. Shri Joshi relied on the injury certificate showing injuries suffered by the Applicant. The Applicant had suffered one grievous injury of dimensions 6 cm to 8 cm on the occipital region requiring eight stitches; and there was swelling on his right knee. He submitted that custodial interrogation of the Applicant is not necessary in this background.

7. Learned A.P.P, on the other hand, relied on the injury certificate of Vijay. She submitted that Vijay has suffered two injuries. The first one was on the forehead, which was having dimensions 6 cm X 8 cm, and was described as a grievous injury.

The second injury was on the occipital region needing three stitches having dimensions 2 cm X 2 cm, which was also described as a grievous injury.

8. She submitted that Vijay's daughter Raveena had suffered one abrasion and one injury on occipital region about 2 cm X 3 cm long which was described as grievous injury.

9. Learned A.P.P., therefore, submitted that considering the nature of injuries, the Applicant does not deserve protection of anticipatory bail.

Reasons :

10. I have considered all these submissions. It is quite apparent that both the parties have suffered injuries. The Applicant has suffered injury on his head, which was quite big in dimensions and it was described as a grievous injury. Similarly, even Vijay has suffered injuries at the hands of the Applicant. Vijay's injuries were also described as grievous injuries and same were also on his head. Thus, it is quite apparent that there was a fight between the parties.

11. The main circumstance in favour of the Applicant is that the first informant Dashrath and Vijay had gone to his place and had picked up a quarrel. Both the parties had the history of dispute regarding boundary of that particular plot. The informant Dashrath and Vijay could have approached the Authorities; but instead, they went to the place of the Applicant directly and thereafter the incident has taken place. Therefore, at this stage, there is substance in the submission of Shri Joshi that the first informant Dashrath and Vijay were the aggressors and the Applicant had acted in exercise of right of private defence. Whether the Applicant had exceeded right of private defence is a matter of trial. But, at this stage, the Applicant has sufficient case to show that the informant Dashrath and Vijay had no business to approach him aggressively and to cause injuries to him.

12. The Applicant himself suffered an injury requiring eight stitches, which is quite big in dimensions. He was not carrying any weapon. He had picked up a brick and a tile lying at the spot itself.

13. Considering all these circumstances, the Applicant

deserves the protection of anticipatory bail. His custodial interrogation is not necessary. Considering the past history between the parties, some conditions are required to be imposed on the Applicant. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.193/2020 registered with Shirval Police Station, District – Satara, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station once a fortnight, for a period of one year from today.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

Digitally
signed by
Pradeepkumar
P. Deshmane
Date:
2021.01.13
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(SARANG V. KOTWAL, J.)