

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

ANTICIPATORY BAIL APPLICATION NO. 1183 OF 2020

Akash Vasudeo Chauhan Applicant

Versus

The State of Maharashtra Respondent

Mr. Chetan S. Damre for Applicant.

Mrs. J. S. Lohokare, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 23rd MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. I-28 of 2020 registered at Ghoti Police Station, on 16/02/2020, under sections 302, 143, 147, 324, 323, 120B r/w. 149 of the Indian Penal Code (for short 'IPC') and under section 135 of Maharashtra Police Act.

2. Heard Shri. Chetan Damre, learned counsel for the applicant and Mrs. Lohokare, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') was

lodged by one Dipak Tokde on 16/02/2020. He has stated that, on 15/02/2020 the first informant was with one Vinod Tokde who is deceased in this case. At about 9:45p.m., 8 named accused came there with weapons like wooden sticks, steel rods, stump etc. One of the assailants was named as “Aakash Dnyandeo Chauhan”. All of them started assaulting Vinod with their respective weapons. The assailant Ramdas Chauhan stabbed Vinod with a knife. In the meantime, police reached there and one Aniket Chauhan was caught on the spot with steel pipe. Others ran away from the spot. Vinod was taken to the hospital, but he was declared dead before admission at Ghoti Rural Hospital. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that his name is Aakash Vasudeo Chauhan. This name is not mentioned in the F.I.R. Instead, the name of one of the assailants was mentioned as “Akash Dnyandeo Chauhan”. He, therefore, submitted that the applicant has not taken part in the assault. The informant’s supplementary statement was recorded on 20/02/2020 wherein he has corrected himself and has given correct name of the

applicant. But, according to the learned counsel for the applicant, even then no role is given to him, therefore, anticipatory bail should be granted to him.

5. Learned APP opposed this application. She relied on supplementary statement of the informant, as well as, his statement recorded U/s.164 of Cr.p.c. on 12/03/2020.

6. I have considered these submissions. Though, in the F.I.R., correct name of the applicant is not mentioned, immediately within four days, informant's supplementary statement was recorded wherein, only the middle name of the applicant was corrected. The applicant's correct name was given in the supplementary statement as 'Akash Vasudeo Chauhan'. In the F.I.R. only middle name was mentioned as 'Dnyandeo' instead of 'Vasudeo'. This discrepancy does not entitle the applicant to claim anticipatory bail in such a serious matter. The postmortem notes show that there are five injuries including contusion, abrasion etc. attributable to the stick. The cause of death was mentioned as 'hemorrhagic shock due to multiple injuries sustained'. The injury No.1, 2 and 3 were caused by blunt object. Wooden stick is

attributed to the applicant by the first informant. Besides this, the informant's statement U/s.164 of Cr.p.c. was recorded where again the applicant's name is mentioned and he is attributed weapon of wooden stick. Thus, there is sufficient material against the present applicant in respect of present offence. Therefore, anticipatory bail in such a serious offence cannot be granted to the applicant.

7. The application is rejected.

(SARANG V. KOTWAL, J.)