

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

ANTICIPATORY BAIL APPLICATION NO.2130 OF 2021

Umesh Tayappa Kolekar	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Umesh R. Mankapure for the Applicant.
Mr. Ajay Patil, APP for the State.

CORAM: SARANG V. KOTWAL, J.

DATED : 27th SEPTEMBER, 2021.

P. C. :-

1. The Applicant is seeking Anticipatory Bail in connection with C.R.No.780/2021 dated 21/06/2021 registered with Sangola Police Station, Dist. Solapur for offences punishable under Sections 143, 147, 148, 149, 307, 327, 427, 504, 506 r/w. 34 of the Indian Penal Code and Section 4 & 25 of the Arms Act.

2. Heard Mr. Umesh R. Mankapure, learned counsel for the Applicant and Mr. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'FIR') is lodged by one Dinkar Shrimant Mane on 21/06/2021. He has stated that in the year 2020, he had taken Rs.40,000/- as loan from one Dinu @ Vinod Dhokate at the interest of 5% per month. The informant had repaid

the principal amount till January, 2021 but had not paid the interest. It is mentioned in the FIR that the present Applicant along with Dinu @ Vinod Dhokate and others were in money lending business. It is mentioned in the FIR that since the first informant had not repaid the loan, the Applicant and others were harassing and threatening the first informant since February, 2021. The informant had given the Application against the Applicant and others in May, 2021 at Sangola Police Station.

4. On 20/06/2021, at about 02:00 p.m., the first informant was having lunch at Raya Hotel. At about 03:00 p.m., on some pretext, the Applicant called the informant's friend Jivan and Rushi Bandgar to some other place. At about 04:15 p.m., the Applicant along with Dhanaji Kolekar, Datta Hajare, Bandu Thorat, Swapnil Kalkunde and Sandesh Patil came to that hotel. The Applicant and others started beating the first informant and his brother – Rahul with kicks and blows. The other customers of the hotel got scared and ran away from there. The assailants put the informant and his brother forcibly in their car and then took them to an agricultural field. Again, there they were assaulted. They were again forced to sit in that car and they were taken to a forest and again they were assaulted. In the meantime, they

came to know that police were chasing them and therefore, they left them on Dolari Road. They again threatened the informant. On this basis, the FIR is lodged.

5. Mr. Umesh R. Mankapure, learned counsel for the Applicant submitted that the main transaction was with Dhokate but he is not an accused in the case. He has submitted that the Applicant did not have any motive to cause this assault. He submitted that the Government Hospital has not given any injury certificate. The injury certificate, if any, issued by the private hospital should not be taken in consideration.

6. Learned APP opposed this Application. He has produced before me injury certificate issued by Disha Hospital in respect of the first informant and his brother – Rahul. The investigation papers also include the statement of the first informant and his brother – Rahul.

7. I have perused these documents. The injury certificate of the first informant shows that he has suffered following injuries :-

(a) Abrasion over forehead, supra orbital right area of scalp ; red coloured echymoses over both maxillary region ; abrasion over right parietocephal area of scalp. The nature of

injury was described as grievous injury. Shoulder swelling along with deformity and dislocation of left shoulder. It was also described as grievous injury. Red coloured contusion over back. It was described as simple injury.

(b) The other injured – Rahul has suffered two simple injuries on his right wrist, forearm and head.

8. The injuries suffered by the first informant are grievous injuries. The statement of the informant and Rahul are supported by the medical evidence. Learned counsel for the Applicant submits that the main motive was against Dhokate. This is not correct because the FIR itself mentions that the said Dhokate was conducting this business along with the present Applicant and even the Applicant had motive to commit this offence. The incident shows that it had taken place at three different places. The Applicant and other accused had acted in a manner which had created terror in the mind of general public.

9. Considering all these facts and circumstances, no case is made out for grant of Anticipatory Bail. Hence, the Application is rejected.

PREETI
H JAYANI

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(SARANG V. KOTWAL, J.)