

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

ANTICIPATORY BAIL APPLICATION NO.2297 OF 2021

Atul Kalyan Wadekar

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr.Sachin S. Thombare, Advocate for Applicant.
- Mr.Ajay Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 24th SEPTEMBER, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.215/2021 registered with Khed Police Station, under sections 326, 325, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code.

2. The FIR is lodged by Milind Vitthal Jagdale. He has stated that he was having a bear bar and restaurant at Pune Highway Road. About 2 years prior to the FIR there was some quarrel between the Applicant and the informant. Since then the Applicant was having grudge against the informant. On

11/04/2021 at about 09.30 p.m. the informant was walking on the road alone. Suddenly two motorcycles came there. The informant has named Akshay Bharmal, Awale, the present Applicant, Vishal Dukare and Gotya. It is mentioned that the Applicant was having a sickle and Vishal was having a stump. The informant was assaulted by all the accused. The allegation against the Applicant is that he had held the informant and others had assaulted him. Thereafter they went away from the spot. According to the first informant, he had suffered serious injuries on his head and had suffered fracture of shoulder.

3. Heard Mr.Sachin S. Thombare, learned counsel for the Applicant and Mr.Ajay Patil, learned APP for the State.
4. Learned counsel for the Applicant submitted that the Applicant is falsely implicated because of the previous quarrel. The Applicant's brother was murdered by the first informant Milind Jagdale. The Applicant himself was the first informant in that case and therefore he is falsely implicated in this case.

5. Learned APP produced injury certificate of the first informant issued by Unicare Hospital.

6. I have considered these submissions. The injury certificate mentions that the informant had suffered three injuries. The first one was CLW on head admeasuring 6 x 1 x 1 cms. The second injury was contusion over left scapular region. Third injury was blunt trauma on left third toe. Significantly all the injuries were described as simple injuries. Considering background of enmity and also taking into account the nature of injuries, which are described as simple, the Applicant's custodial interrogation is not necessary. He can be directed to attend the concerned police station to cooperate with the investigation.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.215/2021 registered with Khed Police

Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)