

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

20 ANTICIPATORY BAIL APPLICATION NO.764 OF 2022

MANIKA VENKATI KOPNAR
VERSUS
THE STATE OF MAHARASHTRA

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Adv. for Applicant : Mr. B. V. Thombre h/f Mr. Kolhare S. R.
APP for Respondent-State : Ms. V. S. Choudhari.
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CORAM : S. G. MEHARE, J.
DATE : 25.07.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. It has been alleged against the applicant that he and other co-accused were asking the complainant to leave two plots out of his land for the school. The complainant denied, therefore, he has been assaulted by the co-accused with iron rod. When the other injured came to separate the quarrel, the present applicant assaulted them with iron rod and caused injury to his head.
3. Learned counsel for the applicant would submit that the applicant is 68 years old and suffering from many physical ailments. The learned Sessions Judge while deciding the

application has observed that the alleged rod used in the crime has been seized. The material investigation is over. Therefore, the custodial interrogation of the applicant would not serve the purpose. Hence, he may be released on anticipatory bail.

4. Learned APP has strongly opposed the application. She has vehemently argued that the applicant assaulted the other persons, who came to separate the dispute, with iron rod and caused the serious injury on his head. The weapon allegedly used by the applicant has not been seized. The injured has sustained bleeding injury, therefore, there is a great possibility of the blood stains on the clothes of the applicant. The offence is grave, therefore, application deserves to be dismissed.

5. Perused the papers produced by the prosecution and the application of the applicant. Specific allegations have been levelled against the applicant that he assaulted the persons who came there to separate the quarrel. They were assaulted by the present applicant and other co-accused with iron rod and broke their head. They had the bleeding injury. Recovery of the weapon and so called stained clothes wore by the applicant at the relevant time is essential and for that purpose, the custodial interrogation of the applicant is essential. Besides this, the offence is serious and grave.

6. Considering the allegations levelled against the applicant and the role played by him, this Court is of the view that this is not a fit case for anticipatory bail.

7. Hence, the present application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-