

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

CRI. ANTICIPATORY BAIL APPLICATION NO. 316 OF 2022

Abhijit @ Abhay Balasaheb Shelke	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr. Vaibhav R. Gargade, for the Applicant.
Mr. A. R. Kapadnis, APP for the Respondent / State.

**CORAM : C.V. BHADANG, J.
DATE : 25 FEBRUARY 2022**

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. The Applicant, apprehending arrest, in connection with investigation of Crime No.5/2022 of Police Station Lonand, District Satara, under Section 324, 143, 147, 148, 504 and 506 of IPC, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 2 January 2022 lodged by Manik Dattatray Shelke. It appears that the incident is the outcome of a rivalry between the members of the Shelke family. The incident is alleged to have happened on 2 January 2022, at about 3.00 p.m. at Village Mirewadi (Kusur),

Taluka Phaltan, District Satara. In so far as the present Applicant is concerned, the role attributed to the Applicant in the FIR is that he has assaulted the injured by an iron rod on the hand. The medical report shows that the injured had suffered fracture which is a grievous hurt. Initially, the Magistrate had granted bail as the prosecution had not invoked Section 326 of IPC. However, after the addition of Section 326, the learned Magistrate cancelled the bail. After this, the Applicant approached the learned Sessions Judge for anticipatory bail. The learned Sessions Judge by an order dated 25 January 2022 in Criminal Misc. Application No.41/2022, while granting anticipatory bail to the co-accused Nos.1 to 5, has refused the relief to the present Applicant (Accused No.6), mainly on the ground that the main allegation about the assault on the injured which has resulted into grievous injury is attributed to the present Applicant.

3. A perusal of the FIR shows that the assault by an iron rod on the hand is attributed to the present Applicant. In that view of the matter, no case for grant of anticipatory bail is made out. However, the learned counsel for the Applicant submitted that the Applicant is an Engineering Student and his practical examination is scheduled with effect from 2 March 2022. Considering the fact that the practical examination is scheduled to commence on 2 March 2022, a reasonable time can be granted to the Applicant to surrender.

4. In the result, the Criminal Application is rejected. The Applicant is granted time till 15 March 2022 to surrender before the Investigating Officer.

C.V. BHADANG, J.