

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

ANTICIPATORY BAIL APPLICATION NO.1097 OF 2022

**PRIYA
RAJESH
SOPARKAR**

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PRIYA RAJESH
SOPARKAR
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Lakhoji Madhavrao Khatmode (Patil)

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Shirish Gupte, Senior Advocate alongwith Mr. S. S. Jadhwar and Mr. Ashish Sawant, Advocates for the Applicant.
Mr. P. H. Gaikwad, APP for the Respondent/State.
Mr. Ajit D. Ubale, HC 1648 Karmala Police Station, Solapur (Rural) present.

**CORAM : VINAY JOSHI, J.
DATE : 22nd APRIL, 2022.**

P.C.:-

1. The applicant is seeking pre-arrest bail in Crime No. 996 of 2021 registered with Karmala Police Station, District Solapur for the offences punishable under Sections 307, 326, 324, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code.

2. At the instance of report lodged by injured Malojirao, the crime was registered. The injured Malojirao and applicant Lakhoji are real brothers. There was land dispute in between two brothers. It is prosecution case that on 27th October, 2021 around 4.30 p.m. the informant Malojirao went to their field and saw sugarcane cutting work was going on. The informant asked them about the same as partition did not take place. At that time, applicant Lakhoji got annoyed and started to assault informant by means of iron rod. Particularly, he dealt a blow at his head and shoulder. So also applicants' associate beat informant by means of stick and therefore, the report.

3. The learned counsel appearing for the applicant would submit that it was primely a family dispute out of which a false report has been lodged. My attention has been invited to FIR bearing Crime No. 993 of 2021 registered on the same day by father of duo. In said FIR father Madhavrao stated that on 27th October, 2021 around 6.00 p.m. at the instance of sugarcane cutting there was scuffle. He stated that at relevant time informant Maloji came there and assaulted applicant Lakhoji by means of fist blows and kicks. It is alleged that informant Maloji was carrying weapon, however by blunt side he dealt blows to applicant Lakhoji and therefore, the report. It is submission that the said version was true one but the subsequent FIR (existing) which is lodged by Maloji was distorted version.

4. Perused entire investigation papers. The report is lodged by injured himself on the very next day of the occurrence. Learned APP particularly took me through medico legal certificate of injured Maloji. It reveals that within 6 hours from the assault the injured Maloji was medically examined. There were several injuries on his person including CLW at parital region, fracture of right metacarpel alongwith several blunt injuries on the body. Contextually FIR discloses that at relevant time applicant dealt a blow at head by iron rod. *Prima facie* the injury certificate squarely supports the incident as stated by the informant. In view of medical evidence *prima facie* it is difficult to accept the submission that alleged incident did not happen. Moreover, there are statements of witnesses who stated that at relevant time applicant Lakhoji has summoned to his associate and all of them have assaulted the informant.

5. The police have invoked the provisions of section 307 of the IPC. Pertaining to note that iron rod was used and the part chosen was head which can be termed as a vital part. The alleged offence is of serious nature which may attract punishment which may extend

to life imprisonment, since hurt was caused. In such type of cases custodial interrogation is necessary. Having regard to seriousness of offence no case is made out to grant pre-arrest protection.

6. In view of above, application does not carry any merit, hence rejected.

(VINAY JOSHI, J.)

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