

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1295 OF 2022**

SURAJ ANNA PATIL AND ANR .. Applicants
Versus
STATE OF MAHARASHTRA .. Respondent
...

Mr. Prashant P. Jadhav for the applicants.
Mr.A.R.Patil, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 26th MAY, 2022
(Vacation Court)**

P.C:-

1 The three applicants are apprehending their arrest in C.R.No. 0114/2022 registered with Sangli Gramin Police Station at the instance of one Gungaso Ganpati Patil, resident of Shittur, Varun Paiki Patilwadi, Taluka Shahuwadi, District Kolhapur.

The complaint resulted invoking Sections 307, 324, 504, 506, read with Section 34 of the IPC against the three applicants.

2 The complainant narrated that he is acquainted with the applicants, who reside in front of their shop, and on 9/4/2022, the complainant's daughter-in-law Harshada informed

him that on the night of 8/4/2022, the daughter of Anna Patil made a phone call on the mobile of Shubham which was received by Harshada and she, on hearing her voice, the phone came to be disconnected. This ensued a quarrel between Shubham and Harshada.

3 On the very next day, the incident took place at 9.30 p.m. when the complainant saw Anna Patil and his wife Laxmi in the company of his son Shubham and his son Shubham was being assaulted by Anna Appaso Patil and his son Suraj by means of sticks. He was assaulted in his head and when the complainant reached there, even one blow landed on his head and he started bleeding. His son Shubham became unconscious and was taken to the hospital. This resulted in invoking Section 307 of the IPC. The learned APP has placed on record the medical certificate of Shubham, which noted the following injuries :-

“(A) Patient had acute extra-Dural hemorrhage. Along Frontal- parietal lobe (Maximum Thickness 2.9 complainant) with midline shift of 9 mm. Towards left side with uncle herniation.

(B) Comminuted and depressed fracture of frontal & parietal bone on Rt.side extending to Rt squamous temporal bone.

(C) Soft tissue swelling with sub guleal hematoma along Right Frontal – parietal region.

(D) 2 x 1 c.m Abrasion over Left tragus region”

The injury no.(a) was described as 'grievous injury' and the consultant Neurosurgeon where the injured was treated, opined that the injury can occur on being hit by heavy blunt object which can be a stick.

The injury sustained by Shubham is grievous one and would have caused his death. It is informed that he was operated and his life was saved.

The complaint clearly referred to the assault on Shubham by the applicant no.1 and 2. As far as applicant no.3 is concerned, even as per the complainant, she caught hold of Shubham while the applicant nos.1 and 2 assaulted him.

4 The aforesaid incident definitely call for a Custodial Interrogation, and therefore, the applicant nos.1 and 2 do not deserve any protection. However, considering the role attributed to the applicant no.3, she is entitled for protection subject to the stipulation that she will render co-operation to the Investigating Officer. Hence, the following order :-

ORDER

Application is rejected qua applicant nos.1 and 2.

Applicant no.3 Smt.Laxmi Anna Patil is entitled to be released on bail in the event of arrest subject to the following condition :-

(a) In the event of her arrest, the Applicant no.3 Laxmi Anna Patil in connection of C.R.No.0100/2022 registered with Shahuwadi police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(c) The Applicant shall make herself available as and when required by the Investigating Officer.

The Application is partly allowed in the aforesaid terms in favour of applicant no.3. It stands rejected as against applicantnos.1 and 2.

(SMT. BHARATI DANGRE, J.)