

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1395 OF 2022

Santosh Janu Lokhande .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Yogendra Pendse for the Applicant.

Mr.S.H.Yadav, A.P.P. for the State/Respondent.

Mr.V.G.Surve, PSI attached to Vartak Nagar Police Station,
present.

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CORAM: BHARATI DANGRE, J.

DATED : 05th JULY, 2022

P.C:-

1. In continuation of the earlier order, the learned A.P.P. has placed before me the statement of the injured, Amar Jaiswal, who had sustained a grievous injury in the form of CLW on forehead, with the specification 5x1x1 cm which is stated to have caused by hard and blunt object, as per the medical certificate issued by Sir J.J. Group of Hospitals on 26/05/2022.

2. The injured has narrated the incident in two parts. In the first part, he makes a reference to the applicant as one of 5 to 7 persons, who were standing and threw beer bottles at him. The second part is, when he was standing in front of his shop, he saw the accused persons proceeding towards him being armed with the weapons. His statement is that Pintya was armed with a knife and Jallu was having a beer bottle whereas Ibo was holding a rod. When the assailants approached him with a knife, he evaded the blow. At that time, Jallu caught hold of his hand and assaulted him by beer bottle. At the very same time, Ibo hit him in his head by means of a rod in his hand and on sustaining the said blow, he fell to the ground. The injured further state that he was also assaulted by Vicky, Nagya Lokhande (present applicant) and three to four persons by weapons, which they were carrying.

3. The said statement, however, does not corroborate his medical certificate as it indicates that there are only two injuries sustained by him; one being the CLW and another being blunt trauma on the right shoulder, which is attributed to hard and blunt object. Since as per the version of the complainant, this particular injury is attributed to Ibo and Jallu, mere presence of the applicant at the place of incident,

at this stage shall not warrant his custodial interrogation. Ultimately, at the time of trial, he has to take the consequences, since he has also been charged with Sections 147 and 149 of the I.P.C. In the wake of the above, interim protection granted in favour of the applicant on 26/05/2022 is made absolute. Needless to state that he shall co-operate with the Investigating Officer.

(SMT. BHARATI DANGRE, J.)