

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1755 OF 2022

Satish @ Shakti Narayan Bhoir .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Abhishek Yende i/b Paravado Raut for the Applicant.
A.A. Takalkar, A.P.P. for the State/Respondent.
...

CORAM: BHARATI DANGRE, J.
DATED : 21st JULY, 2022

P.C:-

1. On 30/05/2022, the informant approached Manpada Police Station and reported about an incident which took place on 26/05/2022, alleging that he was assaulted by several persons.
2. The incident narrated by the complainant can be bifurcated into two parts; the first being a reference to the matrimonial dispute with his wife and the mentioning about the proceedings before Court. At around 5:00 p.m, he was proceeding in his Innova Car towards Ganpatipule along with his friends and his acquaintance. When he reached a bridge on Taloja road at 6:00 p.m, he is alleged to have

been assaulted by 8 to 10 persons.

One person gave a blow to him on his neck, and other persons made him fall to the ground and he is alleged to have been assaulted by fist and blows. Three to four persons assaulted him by the shock-ups of a 4 wheeler by repeatedly uttering that he should not harass the sister of Pankaj Shelar. The narration is to the effect that blows were given to him by shockup on elbow, wrists, thigh, the bone of left leg and left knee and also on his back.

3. Thereafter, he was put into his Innova Car and accosted, on Bandarwada, Titwala road, where the applicant is alleged to be present. The applicant is the uncle of his wife and on reaching there, he abused the complainant about not maintaining his wife and threatened him that, now even his wife will desist from co-habiting with him. It is then alleged that he was assaulted by the uncle i.e. the present applicant, by means of bamboo on his hand and neck on his back and the glass lens of his Innova car were also broken.

4. This complaint resulted in invoking Sections 143, 147, 149, 324, 365, 427 of IPC. It is informed that subsequently Section 326 is also being inserted. The complaint is lodged on 30/05/2022, i.e. 4 days after the incident, and apparently there is no explanation offered

about the delay, though it is stated that he was taken to the hospital and when his statement was recorded, he was still undergoing the treatment.

5 I have perused the injury certificate, which refer to two grievous injuries, on right hand and left leg and apparently it refer to a fracture.

On perusal of the complaint, which runs into two parts, however, do not make it clear that the injuries are attributed on account of the second incident when the applicant is alleged to have assaulted him by bamboo. As per the complainant's version, he was earlier assaulted on bridge by 3 to 4 persons by means of the shock-up of 4 Wheeler and since the assault was mounted on his hand, legs, back, it cannot be said that certainty with the injuries sustained are caused to the present applicant.

6. In the wake of the above, since the complaint is not clear that the applicant is the only author of the assault, he deserve protection from arrest.

: ORDER :

(a) Application is allowed.

(b) Applicant -Satish @ Shakti Narayan Bhoir shall be released on bail in connection with C.R.No. I- 413 of 2022 registered at Manpada Police Station, on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(c) 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 him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.

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

(e) The Applicant shall report to the concerned Police Station on 26/07/2022 and 27/07/2022 between 2:00 to 5:00 p.m and thereafter as and when directed.

(SMT. BHARATI DANGRE, J.)