

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

ANTICIPATORY BAIL APPLICATION NO. 2843 OF 2022

Shoeb @ Macchu Altaf Bagwan	...Applicant
Versus	
State Of Maharashtra	...Respondent

....

Mr. Ranjeet M Pawar, Advocate for the Applicant.

Mr. M. G. Patil, APP for the Respondent – State.

....

CORAM : PRAKASH D. NAIK, J.

DATE : 13th OCTOBER, 2022

PER COURT:

1. This is an application for anticipatory bail in connection with C.R. No. 292 of 2022 registered with Baramati City Police Station, Pune Rural for offences punishable under Sections 307, 323, 427, 504, 506 read with 34 of the Indian Penal Code.

2. The Informant has alleged that he was proceeding alongwith his friend Sahil Shelar and Prem Chavan. They are taking education in T.C. Collage, Baramati. Sahil Shelar and Prem Chavan had quarrelled with Shoeb @ Macchu Altaf Bagwan (applicant). On 17.06.2022 at about 1.30 pm when the college was over, he along with Sahil Shelar, Prem

Chavan, Baba Shinde and Vishal Pawar were proceeding towards parking space of the college. At that time, applicant came along with three unknown persons. They started assaulting informant and abusing him in filthy language. They were threatened. Baba Shinde, Vishal Pawar tried to pacify. However, Shoeb rushed towards motorcycle and took out sickle by saying that he would not leave anyone alive and tried to assault the informant with sickle which he managed to escape. The blow of sickle fell on petrol tank of motorcycle resulting in damage to the tank. Sahil and Prem managed to run away. The complainant also tried to escape on his motorcycle but Shoeb followed him by holding sickle in his hand and other started pelting stone at him. One of the stone hit on his back and he fell on the ground. The FIR was registered.

3. Learned advocate for the applicant submitted that the applicant has been falsely implicated in this case. There are no corresponding injuries. The overt act is attributed to the applicant. There was no blow on the sickle of the informant. The offence under Section 307 of the IPC is not made out. The injury could have occurred on pelting stone which is attributed to the other accused.

4. Learned APP however, submitted that medical certificate supports the prosecution case. The photographs of the motorcycle indicate that there was damaged by sharp weapon to the petrol tank of motorcycle. Overt act is attributed to applicant.

5. According to the complainant the applicant has brought the weapon from the motorcycle and tried to give blow with sickle. The accused also chased the complainant. The medical certificate indicate that there was displaced fracture to the hand.

6. Considering the aforesaid factual aspects and investigation papers no case is made out for grant of anticipatory bail.

ORDER

Anticipatory Bail Application No. 2843 of 2022 is rejected and stands disposed off.

(PRAKASH D. NAIK, J.)