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

ANTICIPATORY BAIL APPLICATION NO.1806 OF 2023

Sharad Ramchandra Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Anil S. Shitole for the Applicant.

Mr. R.M. Pethe, APP for the Respondent -State.

MEGHA
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**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 3rd JULY, 2023.**

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No.357 of 2023 registered with Barshi, District -Solapur, for the offences punishable under Sections 307 and 324 r/w 34 of the IPC.

2. Heard Mr. Shitole, learned counsel for the Applicant and Mr. Pethe, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR

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dated 01/05/2023 lodged by Dr. Deepak Patil, the brother-in-law of the Applicant herein. The facts narrated in the FIR prima facie reveal that on 01/05/2023 while the First Informant was proceeding towards Barshi someone dealt a blow with some object on his shoulder. As he fell off the motorcycle, the First Informant saw the Applicant armed with a spanner and a sharp weapon whereas the co-accused -Vimal was armed with a rod. The First Informant claims that the Applicant and the co-accused assaulted him with the said weapons. The specific allegations against the Applicant are that he gave a blow of spanner on his back and tried to inflict a blow of sharp weapon on his neck. While averting the said blow, the First Informant sustained bleeding head injuries. Based on this information crime under Section 324 of the IPC came to be registered. In his supplementary statement recorded on 10/05/2023, the First Informant alleged that the Applicant had inflicted injury on the vital part of his body with an intention to cause his death. Pursuant to the said statement, Section 307 of the IPC came to be added.

4. The medical certificate prima facie reveals that the First Informant suffered CLW on occipital region and a muscle tear, both simple injuries, caused by blunt and hard object. The First Informant

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had not sustained any injury caused by sharp weapon as alleged.

Moreover, the facts and circumstances of the case do not prima facie disclose an intention to cause death or that the Applicant and the co-accused had attempted to cause death of the First Informant. Hence, no case is made out for custodial interrogation.

5. Under the circumstances, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.357 of 2023 registered with Barshi, District - Solapur, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the concerned Investigating Officer for a period of two days i.e. on 07/07/2023 and 08/07/2023 between 10.00 a.m. to 1.00 p.m. and thereafter as and when required by the Investigating Officer for the purpose of investigation;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the

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witnesses in any manner;

- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)