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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1423 OF 2023

Pravin Bhabuta Sonawane (Bhil)

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

.....
Ms.Rutuja L. Jakhade, Advocate for the applicant
Mr. A. R. Kale, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 26th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.193 of 2023 registered with Mhasavad Police Station, Taluka and District - Nandurbar for offence punishable under section 353, 307, 333, 332, 341, 323, 504, 506 read with 34 of the Indian Penal Code.
2. FIR is lodged by Dashrath Goma Barde, stating that applicant Pravin Babhuta Bhil and Arvind Babhuta Bhil and two unknown persons, who were holding sticks and dengare (cane stick) came in front of his motorcycle, they started assaulting informant and pillion rider Ramesh Kaysing Thakre. Informant received blows by iron rod and Ramesh was assaulted on back and right hand. They escaped from the spot by leaving their

motorcycle. While assaulting the accused persons were uttering that due to the information given by informant to police, their liquor was seized. Thereafter his son Atish and nephew Pundlik were also assaulted by the accused persons by reaching their village.

3. Heard learned advocate for applicant and learned APP for the State. Perused the papers of investigation.

4. Learned advocate for applicant submits that accused Arvind was arrested and all the weapons used in the crime are already seized and, therefore, custody of applicants is not necessary.

5. Learned APP opposed the application, by placing reliance on the papers of investigation.

6. Injury certificates reveal that, informant has received following injuries -

- i. Contusion on left temporo-occipital region measuring 3 cm X 2 cm
- ii. CLW on left eyebrow 2.5 cm X 2 cm
- iii. Contusion on back of spine right side 3 cm X 3.5 cm
- iv. CLW of right hand in between thumb & 1st finger 3 cm X 2 cm

- v. Left elbow contusion 4 cm X 3 cm
- vi. Contusion on left hand last two finger
- vii. Contusion on right & left knee
- viii. Contused abrasion mandibular joint

7. Ramesh has suffered Contusion on right scapular region measuring 3 cm X 2 cm.

8. Aatish Barde suffered following injuries -

- I. CLW on parietal Temporal Region 5cm X 5.5 cm
- II. Contusion on Back of spine 4 cm X 3 cm
- III. Abrasion on left leg 2.5 cm X 2 cm

9. Pundalik has suffered CLW on frontal region measuring 3 cm X 2.5 cm.

10. Applicant is absconding from the date of registration of the crime. After interim protection was granted to applicant, he has not attended the police station and has not co-operated in the investigation.

11. Merely because the weapons used in the crime are already recovered, that cannot be a ground to grant anticipatory bail to the applicant, who has committed serious crime of assaulting informant and three others, along with co-accused persons.

Informant has suffered as many as eight injuries in the assault and other injured persons have also suffered injuries. Considering the injuries suffered by the injured persons, *prima facie* there appears substance in the allegations made in the FIR. The injured witnesses have supported the allegations made in the FIR.

12. Considering the gravity of offence and complicity of applicant, he does not deserve discretionary relief of anticipatory bail. Application is, therefore, rejected.

[NITIN B. SURYAWANSHI]
JUDGE