

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

ANTICIPATORY BAIL APPLICATION NO. 185 OF 2024

Prakash Subhash Gujare

..Applicant

Versus

State of Maharashtra

..Respondent

Mr. Kishor Shinde for Applicant.

Smt. M. H. Mhatre, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 22 JANUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.217 of 2023, registered at Pangri Police Station, Solapur Rural, on 06.11.2023, under sections 324, 323, 327, 504, 506, 143, 148 and 149 of the Indian Penal Code and under sections 92(a) and 92(b) of the Rights of Persons with Disabilities Act, 2016.

2. Heard Mr. Kishor Shinde, learned counsel for the applicant and Smt. Mhatre, learned APP for the State.

3. The F.I.R. is lodged by one Santosh Gujare. The

applicant is his elder brother. The informant has stated that, there was a dispute between the applicant on one side and the informant and his other brother Vilas on the other side. The incident took place on 05.11.2023 at about 7.30p.m. On that day, their mother was discharged from the hospital. She was taken to their house at Nari. At that time, the present applicant, his two sons, their wives and others came there and started abusing and assaulting the informant's family. It is alleged that the applicant assaulted the informant with a stone on his head. The applicant's son Nitin assaulted the informant's nephew Aakash on his head and stomach. The informant's daughter Archana had lost her eyesight. She was assaulted by the applicant's other son Sachin. The applicant's wife assaulted one Renuka. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the applicant had lodged an N.C. complaint much prior to this incident. The applicant's wife and daughter were assaulted by the informant's group for which, a separate offence was registered by the applicant's wife vide C.R.No.218 of 2023 at Pangri police

station; mainly U/s.324 and other sections of the I.P.C. In that case, the applicant's daughter had suffered nasal bone fracture and the applicant's wife had also suffered head injury. Both were required to be admitted to the hospital. Therefore, the narration in the F.I.R. against the present applicant is not correct.

5. Learned APP produced the investigation papers and in particular, the injury certificates in respect of Santosh, Aakash and Radhika i.e. niece of the first informant and one Shobha.

6. I have considered these submissions. The first informant's story is corroborated by his family members. However, the injury certificates show that Santosh i.e. the first informant had suffered one laceration on the head. Aakash had suffered laceration on head. Radhika had suffered laceration, contusion and hemorrhage on head, hand and abdomen. Shobha had suffered one contusion on chest. Thus, the injuries show occurrence of the incident, but all these injuries are simple injuries. On the other hand, the applicant's wife and daughter have suffered some serious injuries. Therefore, the narration in the F.I.R. against the

applicant does not appear to be completely true. Considering that the injuries are simple in nature and also taking into account the narration in the counter F.I.R., the applicant can be protected by an order U/s.438 of the Cr.p.c.

7. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.217 of 2023, registered at Pangri Police Station, Solapur Rural, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)