

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

ANTICIPATORY BAIL APPLICATION NO.518 OF 2024

Bharat Chandrakant Dhanawade	Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Laxman Kalel, Advocate for the Applicant.
Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No.17/2024 registered at Sangola police station under Sections 326, 324, 323, 504, 506 read with 34 of IPC.

2. Heard Mr. Laxman Kalel, learned counsel for the Applicant and Ms. Pallavi Dabholkar, learned APP for the Respondent-State.

3. The FIR is lodged by one Akash on 5.1.2024. He has stated that he was on inimical terms with one Chandrakant. On 1.1.2024 at about 3.00 p.m. the informant Akash was talking with his friend Nitin Pawar. At that time, the accused Jitendra came there and picked up quarrel with him. He threatened the informant and went away. After sometime, Jitendra along with the present Applicant came there. Jitendra was having an iron rod. The present Applicant was having *koyata*. Both of them assaulted the informant. The Applicant gave a blow with *koyata* on the informant's head and Jitendra assaulted him with an iron rod on his left hand. Both of them assaulted him with kicks. After that the people from the locality gathered there. The accused then went away. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the incident is not true. In fact the Applicant himself had lodged his FIR vide C.R. No.15/2024 at Sangola police station under various sections of IPC, including Section 326 of IPC and also under the provisions of the Scheduled Castes

and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. He submitted that the Applicant was also injured in that incident.

5. The learned APP produced the statement of one eye witness Dipak Pawar and the medical certificates of the informant to oppose this application.

6. I have considered these submissions. The medical papers show that the informant had suffered one injury on left parietal temporal region of size 4.5 cm x .3 cm x .3 cm. The investigating officer, through the learned APP, informed that the injury required stitches. There is another medical certificate issued by Mira Orthopedic & General Hospital showing that there was grievous injury on the left shoulder causing fracture. Thus, the offence is serious. At this stage, the role of the Applicant cannot be separated. The Applicant has caused the head injury. His co-accused has caused fracture of the shoulder. Therefore, the offence under Section 326 of IPC is made out.

7. The prosecution case is supported by the eye witness Dipak Pawar. In this view of the matter, though there is a counter FIR, the Applicant does not deserve the protection under Section 438 of Cr.P.C. The Application is rejected.

(SARANG V. KOTWAL, J.)

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