

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

ANTICIPATORY BAIL APPLICATION NO.688 OF 2024

Shakil Hamid Mutavali

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. Aniket Nikam i/b. Amit Icham, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1109/2023, dated 03/10/2023, registered with Karad City Police Station, Satara, under sections 307, 324, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code.
2. Heard Mr. Aniket Nikam, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The FIR is lodged by one Pravin Chavhan. He has stated that he was working as Civil Engineer. He was a site supervisor at Gote where a building construction was going on. The incident occurred on 03/10/2023 at around 01.30 p.m. At that time, the land owner Namdev Patil, Balasaheb Patil, Mukund Patil etc. came at the spot. At that time, Matin Mutvali's brother was cleaning the land with JCB. The informant and others went near him. They requested him to stop the work and told him that the work could continue only after measurement. But he did not accept their request. He started abusing Mukund Patil and threatened him. He then called somebody telephonically. Within a short time 8 to 10 persons came there. The present Applicant was one amongst them. The quarrel started. Four of them took the first informant at one side. The present Applicant gave a blow with an iron rod on the informant's left ear. Somehow the informant rescued himself. He saw that one of those assailants gave a blow to Mukund which landed on his back. One Alej Mutavali gave a blow with knife on Nayan's head. In the meantime, the police came there and the assailants ran away. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that Matin has lodged his own FIR vide C.R.No.1110/2023 at the same police station u/s 323, 324, 504 r/w 34 of the IPC. He has made allegations about Satyajit Patil assaulting him on his left eye. In that FIR, the Applicant's presence is not mentioned. Mr. Nikam submitted that the Applicant has not played any major role. His role can be separated. The rod is already recovered. The Applicant has cooperated with the investigation while being on interim protection.
5. Learned APP produced the investigation papers before me. There are statements of the witnesses recorded u/s 164 of Cr.PC. and there are injury certificates. She has also produced the injury certificate of the aforementioned Matin Mutavali. He has suffered one laceration of size 1 cm x 2 cm over his left eyebrow. Thus, it is quite a simple injury. As against that the informant Pravin has suffered blunt trauma over his left forehead. There was swelling and the injury was described as a grievous injury. Mukund has suffered CLW on the left scapular region of the size 17 cms x 4 cms x 7 cms. It is also described as a

grievous injury. Nayan has suffered CLW behind his left ear of the size 4 cms x 2 cms x 2 cms. It is also described as a grievous injury. Thus, informant and his two companions have suffered grievous injuries. His case is supported by the statements recorded u/s 164 of Cr.P.C. Those statements are given by all the injured persons including the injured first informant, Nayan and other witnesses Namdev, Balasaheb and Mukund. The narration shows that after the initial incident, the person who was operating the JCB, made a phone call and thereafter 8 to 10 persons came there. Therefore, obviously, they were having common object and in pursuance of that common object, the assault was caused on two injured persons causing grievous injuries. Therefore, at this stage, roles of the assailants cannot be separated. Section 149 of IPC is applied. There was common object. Three persons have suffered grievous injuries. No case for grant of protection u/s 438 of Cr.P.C. is made out. The application is rejected.

(SARANG V. KOTWAL, J.)