

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

ANTICIPATORY BAIL APPLICATION NO. 1566 OF 2024

Chetan Dattatray Khandekar

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Aniket U. Nikam i/b Mr. Amit Icham, for For Applicant.
- Mr. Sagar R. Agarkar, APP for State.
- Mr. Rahul Shinde, for complainant.
- Mr. N.D. Kokare, H.C., Sangola Police Station, Solapur (Rural).

CORAM : MANISH PITALE, J.

DATE : 18th JUNE, 2024.

P. C. :

1. Heard, Mr. Aniket Nikam, learned counsel for the applicant and learned APP for State.

2. The applicant has filed the present application apprehending arrest in connection with FIR No.0305 of 2024 dated 16th April, 2024, registered at Sangola Police Station, Dist. Solapur for an offence under Section 307 r/w 34 of the Indian Penal Code (IPC).

3. The applicant is one of the three accused persons and as per the statement of the informant, leading to the registration of the FIR, there was a minor altercation between the informant as well as another injured person accompanying the informant, with the applicant and other co-accused

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persons. It is stated that thereafter, the applicant and accused persons gave a dash from their vehicle to the motorcycle on which the informant and his friend were traveling, due to which they fell down and thereupon, the applicant and the accused persons came out of the vehicle, who one of the co-accused persons assaulted the informant with a stone while the other injured victim ran towards the village to get help. It is stated that due to the injury suffered on the head, the informant felt unconscious and he was admitted to the hospital.

4. The learned counsel for the applicant emphasized on the fact that while the incident were alleged to have been taken place on 13th April, 2024, in the night, the FIR was registered on 16th April, 2024 in the night i.e. after about three days of the incident. It is further submitted that as recorded in the order of the Sessions Court while rejecting the application for anticipatory bail filed by the applicant, one Navnath Kokare, while admitting the other injured person in the hospital had stated that the injures were suffered due to road accident.

5. It is submitted that considering the delay in registration of the FIR and the fact that the head injury to the informant, in any case, cannot be attributed to any overt act on the part of the applicant, this Court may consider allowing the present application.

6. On the other hand, learned APP submitted that investigation is still at preliminary stage. The alleged delay in registration of the FIR is clearly explained by the fact that both the victims suffered serious injuries and that the statement of the informant had to be recorded in the hospital. It was further submitted that a perusal of the injury reports of the both the injured victims shows grievous injuries on their head, thereby indicating the brutal nature of the assault.

7. This Court has perused the material on record. The aspect of delay in registration of the FIR at this stage cannot be a ground for allowing the present application, simply for the reason that the informant himself stated that he fell unconscious due to head injury. The statement was recorded in the hospital and considering the fact both the injured victims suffered grievous head injuries, it cannot be said that the delay in registration of the FIR has not been explained or that the informant roped in the accused persons as an afterthought. The investigation is still at preliminary stage and it would be too early to place so much emphasis on the alleged delay in registration of the FIR.

8. As regards the role of the accused persons, it is specifically alleged against the present applicant that he was present at the time of incident and that he was the one driving the vehicle, which gave a dash to the motorcycle on which the informant and his friends were riding and that the dash was

given to the rear side, due to which both of them fell and suffered injuries. Considering the fact that the quarrel which took place prior to the incident was a petty nature, the brutality of the attack indicates the propensity of the accused persons in indulging in violent acts.

9. In view of the above material, this Court is not convinced that a case is made out for granting anticipatory bail. Accordingly, the application is dismissed.

(MANISH PITALE, J.)