

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1606 OF 2024**

Linga Prabhakar Shendage	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. M. A. Choudhari a/w. Mr. Ranveer Choudhari and Ms. Trisha Choudhari
for applicant.

Ms. Rutuja A. Ambekar, APP for respondent-State.

CORAM : MANISH PITALE, J.

DATE : 21st JUNE, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0277 of 2024 dated 07.04.2024 registered at Police Station Pandharpur Taluka, District Solapur Rural for offences under sections 307, 324, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code, 1860, sections 4 and 25 of the Arms Act, 1959 and section 135 of Maharashtra Police Act, 1951.

3. He is one of the six accused persons. As per the statement of the informant, the incident in question took place on 06.04.2024, when all the accused persons were present. It is alleged that the applicant was present, armed with a stick. The informant was assaulted due to which, he suffered injuries resulting in registration of the aforesaid offences against the accused persons.

4. The learned counsel for the applicant submits that in the present case, major role is that of accused No.1, who had allegedly used a sword and the role attributed to the applicant is only assault by means of stick and that too,

on the back of the victim and not on any major part of the body. It is further submitted that the applicant is ready to co-operate with the investigation and that accused Nos.3, 5 and 6, have been enlarged on regular bail, while the accused No.4 was granted anticipatory bail.

5. On the other hand, the learned APP has vehemently opposed the prayer made in the present application. It is submitted that the applicant and accused No.1 Mahadev have been attributed specific role by the informant and in the process of assault, the informant had indeed suffered serious injuries. It is further submitted that the informant did not ascribe specific role to accused Nos.3 to 6 due to which they have been enlarged on bail. But the applicant cannot seek parity. It is further brought to the notice of this Court that there are as many as five other FIRs registered against the applicant for various offences, including the offence of kidnapping.

6. This Court has considered the material on record. The statement of the informant not only confirms the presence of the applicant, but also the role of the applicant in the assault carried out on the informant. It is specifically stated that the applicant was armed with a stick and he used it to assault the informant. The applicant cannot claim parity with accused Nos.3 to 6, for the reason that the informant did not specify the role of the said accused persons in the assault, although he did name them. There is no case made out for seeking parity.

7. Even otherwise, the applicant has criminal antecedents and this is a factor to be taken into consideration while considering the application for anticipatory bail.

8. No case is made out by the applicant. Hence, the application stands rejected.

(MANISH PITALE, J)