

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

ANTICIPATORY BAIL APPLICATION NO.248 OF 2024

Shankar Maruti Kumbhar	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Nilesh Wable, Advocate a/w. Stefy Dias i/b. Umesh R. Mankapure, for the Applicant.

Smt M. H. Mhatre, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 31st JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.37/2024 registered at Jaysingpur Police Station, District – Kolhapur on 11.1.2024 under sections 326, 324, 323, 504, 506 of IPC.

2. Heard Mr. Nilesh Wable, learned counsel for the Applicant and Smt M. H. Mhatre, learned APP for the Respondent-State.

3. The FIR is lodged by one Shekhar Chougule. He has stated that they had a land at Jaysingpur, Galli No.9, City survey No.2048 admeasuring 360 sq. mtrs. In the year 2019, the informant's father and the present Applicant entered into an agreement. The informant's father was to get Rs.5 Lakhs and one shop and the Applicant was to get Rs.8 Lakhs and one shop. After that, the Applicant made construction on that land, but, refused to give the flats as agreed. He only agreed to give one flat and one shop. Therefore, there was a dispute between the informant and the Applicant. The incident occurred on 10.1.2024 at about 10.45 p.m. The informant went to the Applicant's house. It is mentioned that the Applicant was standing near his building. There was quarrel between them. The Applicant got angry. He picked up an iron rod lying on the spot and assaulted the informant on his head, hands and left leg. Thereafter the other people gathered there. The Applicant went away and the FIR was lodged.

4. Learned counsel for the Applicant submitted that the allegations in the FIR are exaggerated. It is a petty incident

and the informant has not suffered serious injuries. The Applicant's custodial interrogation is not necessary.

5. Learned APP produced the medical certificate before me.

6. I have considered these submissions and I have perused the medical certificate. The certificate shows that the informant has suffered one CLW on the head of the size 1 x 4 cm. It was a bleeding injury. There were two abrasions – one on the left palm and other was on the right forearm. However all the injuries were described as simple injuries. The further certificate shows that there was no damage caused to the skull, brain or any other vital organ. In this view of the matter, it is clear that the informant has not suffered any grievous or life threatening injury. Therefore, in these circumstances, the Applicant can be protected by way of order under Section 438 of Cr.P.C.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.37/2024 registered at Jaysingpur Police Station, District – Kolhapur, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
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2024.02.02
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