

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 429 OF 2024

Kallappa Shankar Pujari @ Waghmode Applicant

Versus
The State of Maharashtra Respondent

YUGANDHARA
SHARAD
PATIL

Digitally signed
by
YUGANDHARA
SHARAD PATIL
Date:
2024.02.17
15:38:37 +0530

Mr. Vishwasrao S. Deokar (appeared through VC) a/w Vishakha Patel
for the applicant.

Mr. Balraj Kulkarni, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th FEBRUARY, 2024

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.699 of 2023, registered at Faujdar Chawdi Police Station, Solapur, on 12/12/2023, under sections 143, 147, 148, 149, 323, 327, 427, 504, 506 of the Indian Penal Code.

2. The FIR is lodged by one Devidas Raut. His daughter had got married with one Akash Bondre. There was some dispute between the informant's daughter and Akash. On 11/12/2023, informant's wife had lodged a complaint against the present applicant. The incident of

the subject matter had taken place on 11/12/2023 at about 3.00 p.m. The informant was called by Akash to old Puna Naka, Solapur. The Informant went there. Akash, present applicant and Vishnu were standing there. There were also two or three other unknown persons. They called the informant towards them. The informant went there. It is alleged that Akash and the applicant started quarreling with him. The applicant assaulted with iron pipe on the hands and legs of the informant. Akash took out knife and gave blows on the informant's left ear with handle of the knife. Other persons present there assaulted the informant with fist and kicks blows. On these allegations the FIR is lodged.

3. Learned counsel for the applicant submitted that the incident arose because of the dispute between the informant's daughter and Akash. The applicant had nothing to do with their matrimonial dispute. He submitted that now the informant's daughter and Akash have patched up but the allegations against the applicant remain there in the FIR. No specific role is attributed to the present applicant.

4. Learned APP produced copies of the medial certificates. Certificate of the private hospital is not legible but the certificate of

C.S.M. General Hospital, Solapur shows that informant had suffered the following injuries.

(I) One C.L.W.of 2cm x 0.8 cm x 4 cm on occipital region.

(ii) Abrasion 0.5 cm x 0.5cm

(iii) Blunt trauma at eye .

There were no other injuries. The injuries were described as simple.

5. I have considered these submissions and in particularly I have gone through the medical certificate issued by General Hospital. It is quite clear that the certificate shows that informant has suffered three simple injuries. There are absolutely no serious injuries not even in the nature of blunt trauma on the informant's hands and legs. Therefore, the allegations made in the FIR appear to be incorrect. Hence the applicant has not played any serious role. Sufficient doubt is created about his participation in the offence. Hence the applicant can be protected by an order under section 438 of Cr.P.C.

6. Hence, the following order :

ORDER

(i) In the event of his arrest in connection with C.R.No.699 of 2023, registered at Faujdar Chawdi Police Station,Solapur, 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) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)