

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

ANTICIPATORY BAIL APPLICATION NO.685 OF 2024

Sangam Yashwant Lokhande

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. Roopesh R. Jaiswal, 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.154/2024, dated 08/02/2024, registered with Khadakpada Police Station, Thane City, under sections 324, 323 r/w 34 of the Indian Penal Code. Subsequently section 326 of IPC is added.

2. Heard Mr. Roopesh R. Jaiswal, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The FIR is lodged by one Sadnesh Lokhande. He has stated that the Applicant is the cousin of the informant's father Gurunath. There was enmity between them regarding a land property. On 07/02/2024 at about 08.30 p.m. Gurunath was standing in Netkari Chowk, when the Applicant came there and started beating Gurunath with fists. The informant went to intervene. At that time one Niranjana who is described as the Applicant's son, came there (learned counsel for the Applicant states that Niranjana was the Applicant's nephew). Niranjana came there with a wooden log and tried to give a blow to Gurunath. The informant came in between and therefore the blow landed on his head. He fell down. When he regained his consciousness he saw that he was admitted in a hospital. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant had not played any role in the assault on the first informant. In fact, he himself was assaulted with sticks by the informant and his father. In that connection the Applicant has

lodged his own FIR vide C.R.No.155/2024 at the same police station u/s 324 r/w 34 of IPC on 08/02/2024 at 04.45 a.m.

5. Learned APP produced the investigation papers before me.
6. I have considered these submissions and I have perused the investigation papers. The informant's version is supported by his father Gurunath and his mother. Their statements are consistent. The informant had suffered subarachnoid hemorrhage. Therefore, the investigating agency has rightly applied section 326 of IPC. However, the description of incident shows that the Applicant has not played any major role in the incident. The initial quarrel started between the Applicant and Gurunath. It escalated to a quarrel, then to a fight. The Applicant was not carrying any weapon. The fight started on a spur of moment. After that, Niranjana came with a wooden log and gave a blow to the informant's father. However, it landed on the informant's head. Thus, there is no premeditation, no common intention and no common object between the Applicant and Niranjana. Therefore their roles can be separated. The

Applicant himself was assaulted. Learned APP produced the injury certificate of the Applicant, which shows that there were two injury marks on his scapular region i.e. on his back. In this view of the matter, the Applicant's custodial interrogation is not necessary. He can be protected u/s 438 of Cr.PC.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.154/2024, dated 08/02/2024, registered with Khadakpada Police Station, 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 attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)