

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

ANTICIPATORY BAIL APPLICATION NO. 797 OF 2024

YUGANDHARA
SHARAD
PATIL

Digitally signed
by
YUGANDHARA
SHARAD PATIL
Date: 2024.04.02
13:22:03 +0530

Balkrishna Pandurang Sadafule

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Rayomand Zaiwala i/b Kunda Gaikwad, for the applicant.
Mr. Avinash A. Naik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 28th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No. 23 of 2024 registered at Vijapur Naka Police station, Solapur, on 22/01/2024 under sections 326, 323, 504 r/w 34 of the Indian Penal Code.

2. Heard Mr. Zaiwala, learned counsel for the Applicant and Mr. Naik, learned APP for the State.

3. The FIR is lodged by one Khandu Dhaigude. He has stated that they were residing at Bombay Park Society. There was an empty Place. The Applicant had kept his articles used in his business of erecting pandals. The society members were telling him frequently to remove those articles but he was not paying any heed. On 21/01/2024, at about 5.30 p.m., the Applicant came in front of the house of one Burade and started quarreling with the informant. It is alleged that the informant's son picked up a block of tile and gave blow on the Applicant's head causing bleeding injury. One Mahavir gave a blow with chopper on the informant's hand. It is alleged that the Applicant brought an iron rod from his house and assaulted the informant on his head. On this basis the FIR is lodged.

4. Learned counsel for the Applicant submitted that the story in the FIR is completely false. The Applicant and his family members were assaulted by the society members for which a separate FIR at C.R. No. 24 of 2024 is lodged at the same police station under section 326 and other sections of Indian Penal Code

and under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. He relied on the photographs attached to this application showing bleeding injury on the face to the Applicant and on the head of his son requiring stitches. He therefore submitted that all these facts are suppressed in the FIR. In this background, the Applicant deserves protection of anticipatory bail order.

5. Learned APP produced the investigation papers before me and he also produced the injury certificate of the Applicant and his son collected in the investigation of the cross FIR.

6. I have considered these submissions. The statements of those society members viz. Vandana Buarde, Krishnamma Desai, Kunal Pawar show that the Applicant and the informant were quarreling and fighting with each other. The allegations are that the Applicant's family was pelting stones. One Sugandha Kamble has stated that the Applicant brought a hand air pump and started assaulting the informant. The medical certificate of the injured

shows that there was blunt trauma on the head and one CLW on the forehead. Assuming that it is a grievous injury, the fact remains that the Applicant's son had suffered CLW over left parietal temporal region of size 10x 3 x 2 cm for which suturing was required. There was abrasion on his shoulder, knee and right cheek. The Applicant himself had suffered blunt trauma on his head. Though these injuries are described as simple injuries, the Applicant's son had suffered serious injuries which was quite big and required suturing on the head. All these facts are suppressed in the FIR. In this view of the matter, custodial interrogation of the Applicant would not justifiable. Learned counsel for the Applicant submitted that the co-accused i.e. Applicant's brother and son are granted anticipatory bail by the Sessions Court. This is an additional fact in favour of the Applicant. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No. 23 of 2024 registered at Vijapur Naka Police station, Solapur, the Applicant is directed to be released on bail on his executing 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 co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)