

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

ANTICIPATORY BAIL APPLICATION NO. 835 OF 2024

Akash Balu Shere

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Ranjeet M. Pawar for Applicant.

Ms. Pallavi N. Dabholkar, APP for State/Respondent.

Mr. Nagesh Khedkar a/w. Abhishek Nagode i/b. Arif Qureshi for Informant.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 28 MARCH 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.56 of 2024 registered at Bhigwan Police Station, Pune Rural, on 11.02.2024, under Sections 307, 324, 327, 143, 147 and 149 of the Indian Penal Code.

2. Heard Mr. Ranjeet Pawar, learned counsel for the applicant, Ms. Pallavi Dabholkar, learned APP for the State and Mr. Nagesh Khedkar, learned counsel for the informant.

3. The F.I.R. is lodged by the injured Nadeem Qureshi

himself. He has stated that, he was used to buy animals from the farmers and used to sell them in the market. On 10.02.2024, he along with his nephew Sahil were taking the animals purchased by him from Indapur to Mhasobachi wadi. At about 2.00p.m. when they were keeping the animals in the pick-up van, one Akshay Devkate who was known to him and four other companions came there. They questioned the informant and started assaulting the informant and his nephew Sahil. Out of them, Gaurav Tingre assaulted the informant with a sickle on his shoulder, left hand and head. The informant's other nephew Arbaj ran away. The accused Akshay and others continued assaulting him. The F.I.R. mentions that, the one person wearing white T-shirt assaulted the informant with stone. His companion wearing black T-shirt gave a blow with sickle on Sahil's back side. While this was going on, the police officers came at the spot. The accused ran away. While going away, the accused took away Rs.50000/- which were with the informant. They also took away his gold ring. While going, they took away the informant's nephew's motorcycle. The informant was first taken to Desai Hospital at Lasurne for treatment and then he was taken to

Gavade hospital. Then this F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the applicant is not named in the F.I.R. He is implicated falsely. The informant has not suffered serious injuries. The injury certificate does not mention that the informant had suffered any grievous injury. The only role attributed to an unknown person wearing white T-shirt is that, he assaulted the informant with a stone. The main assault is committed by the person who was wearing black T-shirt and one Gaurav Tingre. He submitted that, custodial interrogation of the applicant is not necessary.

5. Learned APP produced the investigation papers before me. She submitted that, according to the prosecution case, the applicant was present wearing that white T-shirt and he had assaulted the informant with a stone on his head.

6. I have considered these submissions and I have perused the investigation papers. The medical certificate issued by Gavade Hospital shows that the informant Nadeem had suffered one incised wound over his right shoulder joint. There was one

CLW on left temporal region of the size 2cm x ½cm x 1cm. and there were three contusions on the neck, left hand etc. The injuries are described as simple injuries. The informant's nephew Sahil had suffered one incised wound on the gluteal region of the size 2cm x 1/2cm x 1/2cm. and there were three contusions on the right hand, back and thigh. This shows that the incident had taken place and the informant and his nephew were severely beaten. Though, the injuries are described as simple injuries, the medical papers show that the C.T.Scan of the brain of the informant was conducted on 10.02.2024. The C.T.Scan shows that there was 'mild cerebral edema' which shows that the injury on the head had caused cerebral edema. Therefore, it cannot be said that the injury was simple or was not endangering life. In any case, the offence alleged is U/s.307 of the I.P.C. The supplementary statement of the informant supports his F.I.R. The statement of his nephew Sahil also supports his F.I.R. The statement of co-accused Saurabh Pawar confirms that the applicant was wearing white T-shirt and he had assaulted the informant with stone on his head. Therefore, at this stage, there is definite material against the present applicant. The

offence is serious. Considering the gravity of the offence and the material available against the present applicant, he cannot be protected U/s.438 of the Cr.p.c.

7. The application is, therefore, rejected.

(SARANG V. KOTWAL, J.)