

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

ANTICIPATORY BAIL APPLICATION NO. 907 OF 2024

Anil Somnath Patil Applicant

Versus

The State of Maharashtra Respondent

YUGANDHARA
SHARAD
PATIL

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by
YUGANDHARA
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Date: 2024.04.10
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Mr. Mahesh Manik Funde , for the applicant.

Ms. Poonam P. Bhosale , APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 5th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No. 435 of 2022 registered at Central Police Station, Thane, on 30/05/2022, under Sections 326, 504, 506 r/w 34 of the Indian Penal Code and under section 37(1) and 135 of the Maharashtra Police Act.

2. Heard Mr. Funde, learned counsel for the Applicant and Ms. Bhosale, learned APP for the Respondent-State.

3. The FIR is lodged by one Vikas Tomar. He has stated that there was some altercation between him and one Shravan on 07/05/2022, regarding parking of one truck. On 09/05/2022, the informant was called to one shop. The present Applicant, the

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aforesaid Shravan and Rahul were present there. There was one more person with them. They brought sticks and assaulted the informant. The Applicant removed a knife and threatened the informant. After that, all the accused left. The informant went to the Police Station and lodged his N.C. No. 882 of 2022. Thereafter, there was another FIR lodged against the informant himself and he was arrested in that connection on 29/05/2022. He was released on bail on 06/09/2022. When he was arrested and the injury certificate was issued to him, there was mention of one grievous injury. Thereafter, when he was released on bail, he lodged this FIR, which is the subject matter of the present case.

4. Learned counsel for the Applicant submitted that the present FIR is lodged as a counter blast to the FIR lodged by Shravan. In connection with that FIR, the informant in this case was arrested and was released on bail. Thus the allegations are false. He submitted that there is delay about 3 months in lodging of the FIR. The Applicant was available for about 2 years but the investigating agency did not arrest him and therefore, there is no real necessity of the arrest of the present Applicant in this case. He

submitted that the investigation is over and the charge-sheet is filed.

5. Learned APP produced investigation papers before me which contain the injury certificate. There are 5 injuries, out of which the injury to the left ear is described as the grievous injury as the informant had suffered from loss of hearing. She submitted that there are two eye witnesses.

6. I have considered these submissions. The statements of eye witnesses are those of Ganesh and Pravin. Those statements are recorded in October 2022 i.e. after about 5 months from the date of the incident. The informant was arrested on the allegations made by the co-accused of the Applicant. Therefore, there is scope to believe that the FIR is lodged against the present Applicant out of that grudge. Though there is an injury certificate showing loss of hearing, the incident had taken place in May 2022. About two years have passed. The investigating agency did not arrest the Applicant for all those years. After lapse of about two years, there is no necessity of the present Applicant's custodial interrogation. It is sufficient if he co-operates with the

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investigation and attend the trial. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R No. 435 of 2022, registered at Central Police Station, Thane, 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 attend the concerned Police station as and when called and shall co-operate with the investigation.
- (iii) The Applicant shall attend the trial Court regularly.
- (iv) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)