

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

ANTICIPATORY BAIL APPLICATION NO. 918 OF 2024

YUGANDHARA
SHARAD
PATIL

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Kunal Ashok Salve

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Akshay Bankapur, for the applicant.

Ms. Rajeshree V. Newton , 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. 60 of 2024, registered at Upnagar Police Station, Nashik City, on 19/02/2024, under Sections 308, 323, 427. 452, 504, 506 r/w 34 of the Indian Penal Code and under section 135 of the Maharashtra Police Act.

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

3. The FIR is lodged by one Aniket Pagare. He has

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described that there was some previous quarrel with the Applicant and his friends on one hand and the informant on the other. On 18/02/2024, the incident which is the subject matter of this Application had taken place on 19/02/2024 at around mid night when the informant was returning home in his car. The Applicant, his friend one Sugandh and one more person came infront of the informant's house. The Applicant was having a sickle. As the informant got down from the car, the Applicant gave a blow with the sickle but it landed on the wind shield of the informant's car. Thereafter, the Applicant and others entered the informant's house and the Applicant broke the glass of a window. The other people gathered. Therefore the Applicant and his companions went away. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that wife of the co-accused Sugandh had lodged her NC immediately at the same Police Station and subsequently after about a couple of hours, the present FIR is lodged against the present Applicant as a counter blast. Learned counsel submitted that the FIR is lodged out

of political rivalry and it is a case of false implication.

5. Learned APP opposed these submissions. She submitted that the offence is quite serious. The Applicant was carrying sharp weapon. There are criminal antecedents against the present Applicant. There are about 6 offences registered against him in the past. The last offence was registered in the year 2019.

6. I have considered these submissions. As far as the present offence is concerned, the Applicant was carrying a weapon and he could have easily caused grievous injuries to the informant. But he had only broken the glass of the informant's house and the wind shield of his car. Therefore, there is scope to believe that the Applicant did not have intention to cause any injury to the informant. Therefore, section 308 of the I.P.C. may not be attracted in this case. However, this is a matter of trial. As of today, the fact remains that the Applicant has not caused any injury to the informant.

7. In this view of the matter, the Applicant can be protected under section 438 of Cr.P.C. However, considering the

nature of the incident and previous offences registered against the Applicant, some conditions can be imposed on him. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R No. 60 of 2024, registered at Upnagar Police Station, Nashik City, the Applicant is directed to be released on bail on his executing P.R. 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 twice in a week for a period of 4 months from today.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)