

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

ANTICIPATORY BAIL APPLICATION NO.932 OF 2024

Gaurav Sunil BansodeApplicant
Versus
The State of Maharashtra Respondent

Mr. Prashant Hagare, Advocate for the Applicant.
Ms. Rajeshree V. Newton, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 08th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No.85/2024 registered at Waalchandnagar police station, Pune District on 18.2.2024 under Sections 452, 326, 323, 504, 506, 143, 147, 148, 149 of IPC and under Sections 37(1) and 37(3) of the Maharashtra Police Act.

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

3. The FIR is lodged by one Ashwini Kalokhe. She has stated that her son Haridas was taking education in a college at Indapur. He used to leave his house at 10.30 a.m. and use to return at 5.00 p.m. He used to go to Indapur and return in an S.T. Bus. On 17.2.2024 at about 5.00 p.m. Haridas came running towards his house. He was scared. He told the informant that some boys from the village including the Applicant had some altercation with him in the ST bus and those boys had threatened him. The name of the present Applicant is specifically mentioned as he was one amongst them. When Haridas got down, all those boys including the Applicant chased him. Those boys came towards the informant. She sent Haridas inside the house. All of them entered the house and started beating him with kicks and fist blows. He was dragged outside the house. In the meantime, Sangita and Savita brought weapons to the informant's house. The weapons were sickle, sticks and heavy wooden handle of spade. All of them started abusing and threatening Haridas. The accused Suyog Chavan took the heavy wooden handle from Sangita and gave a blow on

Haridas's forehead. Mangesh tried to give blow with sickle on Haridas. Samrat assaulted Haridas on his nose. When the informant tried to Save Haridas, the present Applicant and other accused prevented her from saving Haridas. She was also assaulted with kicks and fist blows. In the meantime, the other villagers gathered there and they saved Haridas. He ran towards an agricultural field and hid himself in the crops. Even the other accused were threatening him. After that they went away. Haridas was taken to Nimgaon Ketaki Primary Health Center and then was taken to Indapur. He was admitted there. Haridas was in great pain and, therefore, he was taken to Ashwini Hospital at Akluj. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant was not carrying any weapon. There is no specific role attributed to him of assaulting the injured Haridas. He was amongst four boys who had abused Haridas but that time they were not carrying any weapon. In the entire episode he has not assaulted Haridas with any weapon. The only role assigned to him is that he had beaten

the informant and had threatened her. Therefore, the Applicant's role can be separated.

5. Learned APP opposed these submissions based on the investigation papers.

6. I have considered these submissions. I have also perused the investigation papers produced by learned APP. The investigation papers contain a medical certificate of Ashwini Hospital at Akluj in respect of the injured Haridas. The medical certificate shows that Haridas has suffered two injuries of the nature of blunt trauma with abrasions of the size 3 cm x 2 cm and 2 cm x 2 cm on the forehead. It was described as simple injury. There was blunt trauma with haematoma on the forehead of the size 10 cm x 3 cm causing fracture of frontal bone and it was described as a grievous injury. There was nasal bleeding. There was ecchymosis of both eyes caused by the blunt object. The C.T. scan showed multi fragmented fracture in the frontal region on either sides more to the left with depression fracture also seen in the anterior wall of left maxillary sinus extending

into the inferior margin of the left orbit. Fracture was also seen involving the premaxilla hematoma seen in the left maxillary sinus and the the frontal sinus. Evolving haemorrhagic contusion was seen in the left frontal region showing focal oedema around it with a smaller contusion seen in the right frontal region. Mild diffuse cerebral oedema was seen .

7. Thus, it can be seen that the injuries were quite serious and, therefore, it is not a mere case of offence under Section 326 of IPC, but, from the nature of injuries the ingredients of Section 307 of IPC are clearly made out.

8. I am not impressed with the submission of learned counsel for the Applicant that the Applicant's role can be separated. The incident started with the initial part played by the Applicant of chasing the injured towards his house. Thereafter the other accused brought the weapons and caused assault on Haridas. All this while when the informant was trying to protect her son, she was prevented by the present Applicant. Thus, the ingredients of Section

149 of IPC are also clearly made out. At this stage, there is sufficient material to show that all the accused had formed unlawful assembly causing grievous and serious injuries to Haridas.

9. There are statements of the witnesses which are incriminating. The most important statement is of course that of the injured Haridas. He has narrated the incident in the same manner as is described in the FIR. Apart from that there are other eye witnesses, namely, Ramdas Pavghare, Rajkumar Yadav, Omkar Raskar and Suraj Raskar. All these statements are consistent and they are narrating the incident in the same manner.

10. Considering all these circumstances, it can be seen that there is sufficiently strong incriminating material against the present Applicant. The offence is quite serious. No protection can be granted to him under Section 438 of IPC. The Application is rejected.

(SARANG V. KOTWAL, J.)

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