

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

ANTICIPATORY BAIL APPLICATION NO.961 OF 2024

Zambaru Dayaram Chaudhari Applicant

versus

State of Maharashtra Respondent

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- Mr. Chetan Deshmukh a/w Ankur Pahade, Advocate for Applicant.
- Mr. Avinash A. Naik, APP for the State/Respondent.
- Mr. Himanshu S. Gavit, Advocate for Original Complainant/Intervenor.

**CORAM : SARANG V. KOTWAL, J.
DATE : 10th APRIL, 2024**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.60/2024, dated 13/03/2024, registered with Surgana Police Station, Nashik Rural, under sections 307 of the Indian Penal Code.

2. Heard Mr. Chetan Deshmukh, learned counsel for the Applicant, Mr. Himanshu S. Gavit, learned counsel for the Complainant and Mr. Avinash A. Naik, learned APP for the State.

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3. The FIR is lodged by one Laxman Chaudhary. He has stated that he had a dispute about a borewell dug in his agricultural land in January 2023 by the present Applicant. The Applicant used to threaten him and used to tell him that he should not pass through his agricultural land. On 10/03/2024 the informant was returning home on his scooty at about 06.50 p.m. He had reached near the agricultural field of one Bhaskar Suryawanshi. The present Applicant was waiting for the informant in his tractor. As the informant tried to pass by his tractor, the Applicant intercepted the informant's scooty by ramming into the informant's scooty. The informant fell down. The Applicant drove his tractor on the informant's left foot causing fracture of the informant's left leg. The Applicant went ahead, but tried to take his tractor back towards the informant to drive it on the informant. The informant tried to get away on his one leg. He shouted for help. Bhaskar came running at the spot. The Applicant saw him and went away on his tractor. The others were informed. The informant was taken to the primary health centre by Bhaskar, then to Surgana and then

to the Civil Hospital at Nashik. Thereafter, he was taken to Sunrise Hospital, Nashik. His left leg was operated. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that it was a case of accident and the informant is deliberately giving it a colour of serious offence because of their previous dispute. The Applicant is a teacher in Zilha Parishad School. The FIR is lodged to cause damage to the Applicant's career and the Applicant is falsely implicated. He further submitted that the description in the FIR itself shows that the incident is improbable. There should have been more damage to the scooty if a tractor had rammed into it. The damage to the scooty was quite negligible. It only shows that the informant had fallen from his scooty on his own and the Applicant was not responsible for the injury caused to the informant or the damage caused to his scooty. There cannot be any intention to commit murder.

5. Learned APP produced the investigation papers before me. He opposed the submissions made by the learned counsel

for the Applicant. He relied on the statement of the eyewitness Bhaskar. His statement is recorded u/s 164 of Cr.PC. He also relied on the Panchanama showing damage to the scooty.

6. Learned counsel for the first informant supported the stand taken by the learned APP

7. I have considered these submissions. Apart from the first informant, eyewitness Bhaskar has described the incident. His statement is recorded u/s 164 of Cr.PC. He has stated that on 10/03/2024, in the evening, when he was in his house, he heard a sound. He went to the spot. He saw that the Applicant was taking his tracker back and forth. He came to the spot and saw that the informant's scooty was lying on the road and he had suffered injury on his left leg. Since Bhaskar reached the spot, the Applicant went away on his tractor. Thereafter others were called. The informant was taken to the hospital.

8. The description of the scooty shows that it had suffered damage to the left side. There was a dent on the left side of the

scooty. These circumstances support the allegations in the FIR. There is also the history of the previous dispute between the informant and the Applicant. The medico-legal register shows that the informant had suffered Grade-II compound fracture of the tibia on the left leg on the side of left foot. There was medial abrasion on the left ankle. This is in consonance with the allegations in the FIR and the description given by the eyewitness.

9. In this view of the matter, considering the incriminating material available and gravity of the offence, the Applicant cannot be protected u/s 438 of Cr.P.C. The application is rejected.

(SARANG V. KOTWAL, J.)