

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1254 OF 2024

YUGANDHARA
SHARAD
PATIL

Shailesh Vishwanath Shirke

.... Applicant

Versus

The State of Maharashtra

.... Respondent

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by
YUGANDHARA
SHARAD PATIL
Date:
2024.05.08
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Mr. Sandeep Shinde a/w Umesh S. Iyer and Jitendra Jagtap, for
the applicant.

Mr. Nitin B. Patil , APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE : 6th MAY, 2024

PC. :

1. The Applicant is seeking anticipatory bail in connection
with C.R No. 102 of 2024, registered at Shahapur Police Station,
Thane Rural, on 05/03/2024, under Sections 307, 323, 324, 452,
504, 506 r/w 34 of the Indian Penal Code.

2. Heard Mr. Sandeep Shinde, learned counsel for the
Applicant and Mr. Nitin Patil, learned APP for the Respondent-
State.

3. The FIR is lodged by one Bhavesh Shirke, on 05/03/2024, at around 12.50 a.m.. He has stated that he was having good friendship with Siddharth. There was dispute between Siddharth and the present Applicant and therefore the Applicant was holding a grudge against the informant. On 03/03/2024, at around 11.30 p.m., the Applicant and three unknown persons knocked on the door of the informant. He was pulled out and assaulted. It is alleged that the Applicant gave a blow with knife on the informant's stomach. The others assaulted with fist and kick blows. The neighbours rescued the informant. He was taken to the government hospital. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the incident had occurred in the night of 03/03/2024 and the FIR is lodged after more than a day in the mid night of 4/3/2024 and 05/03/2024. Even if it is assumed that the scuffle had taken place no offence under section 307 or section 326 of the I.P.C. is made out. The injuries are not serious. Custodial interrogation of the Applicant is not necessary.

5. Learned APP opposed these submissions. He produced investigation papers before the Court. He submitted that the injury certificate and statements of eye witnesses support the informant's case.

6. I have considered these submissions. There are statements of eye witnesses namely Shailesh Gaikwad, Hemant Hille, Chitra Shirke. Their statements support the allegations in the FIR. The injury certificate shows that the informant had suffered four simple injuries as follows:

- (1) contused lacerated wound on abdomen 1 x 0.5 x 0.05 cm.
- (2) contused lacerated wound on chin 0.5x 0.1 cm.
- (3) contusion on occipital region 1 x 1 x 1 cm.
- (4) Blunt trauma on chest, back and face.

All these injuries are described as simple injuries. Thus injured had not suffered any serious injury. Therefore, as rightly submitted by learned counsel for the Applicant, the offence may not fall within section 307 or 326 of the I.P.C.

7. In this view of the matter, custodial interrogation of the Applicant is not necessary. It is sufficient if he cooperates with the investigation. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R No. 102 of 2024, registered at Shahapur Police Station, Thane Rural, 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 once a week for a period of four months from today.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)