

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1478 OF 2024**

Mahadev Bhimrao Hipparkar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Ramanik Pawar a/w. Ms. Samiksha Pawar for applicant.

Ms. Megha S. Bajoria for respondent-State.

Mr. Imran B. Mulla, PSI, Shirol Police Station, District Kolhapur.

CORAM : MANISH PITALE, J.

DATE : 20th JUNE, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the State.

2. The present application is filed as the applicant apprehends arrest in connection with FIR No. 0178 dated 27.04.2024 registered at Shirol Police Station, District Kolhapur for offences under Sections 324, 326, 504 and 506 of the Indian Penal Code, 1860.

3. It is the case of the informant (victim) that while he was on election duty and he had visited the society where the residence of the applicant is located, the applicant assaulted him brutally by way of a knife due to which he was severely injured and was hospitalized.

4. The informant has given the background in which the said incident has occurred, by stating that he separated from his first wife and in that context, there was a quarrel between him and the applicant before this Court.

5. The police investigated the matter in pursuance of registration of FIR and recorded statements of witnesses. There are statements of eye witnesses, one of whom has described in detail as to the manner in which the informant was assaulted by the applicant.

6. The learned counsel for the applicant submitted that in the present case, it was the informant, who had been the aggressor, as he had no business to enter the society, where the residence of the applicant is located and that too, beyond the official working hours, even if he was appointed on election duty. It was further submitted that on earlier occasion, the informant had assaulted the father of the applicant and he had also damaged the car of the brother of the applicant. Attention of this Court is invited to certain photographs to support the said contention.

7. In this backdrop, it was submitted that the manner in which the informant has described the incident is rendered suspicious and that in any case, since the applicant is ready to co-operate with the investigation, this Court may favourably consider the present application.

8. On the other hand, the learned APP submitted that affidavit-in-reply is placed on record to demonstrate that the applicant does not have a clean record. There are two FIRs registered against him for various offences bearing C.R. Nos.153 of 2020 and 180 of 2022 before police stations in Districts Sangli and Kolhapur.

9. It is further submitted that the informant has described in detail as to the manner in which the incident had taken place and the same corroborates with the statements of the eye witnesses recorded during the course of investigation. By inviting attention of this Court to the injury

report, it is submitted that the informant suffered various injuries, including two grievous injuries due to the attack launched by the applicant. It was submitted that therefore, this Court may not entertain the present application.

10. This Court has perused the statement of the informant leading to the registration of FIR. The incident has been described in detail, wherein the role of the applicant is clearly described as having used a knife to assault the informant on various parts of his body. The version of the informant is supported by the statement of the eye witnesses recorded during the course of investigation. The statement of one such witnesses i.e. Malappa Koknoor shows the manner in which the assault was carried out by the applicant and it is specifically stated that when the informant, during the course of incident, having suffered injuries, sat down on the ground, the applicant allegedly assaulted him on his head also. The injury report on record shows as many as nine injuries suffered by the informant, which include two grievous injuries on his body.

11. The learned APP has tendered photocopies of two FIRs registered at police stations in Districts Sangli and Kolhapur, whereby offences have been registered against the applicant, thereby showing his criminal antecedents also.

12. In such circumstances, the applicant has failed to make out a case for granting anticipatory bail.

13. Accordingly, the application is dismissed.

(MANISH PITALE, J)