

Rajaram Dagdu Shingate and another Vs. State of Maharashtra	...	Applicants Respondent
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Mr. Jaydeep D. Mane for Applicants.
Mr. Mayur S. Sonawane, APP for Respondent-State.
Ms. Manisha Devkar for Original Complainant.

CORAM : MANISH PITALE, J.
DATE : JUNE 26, 2024

P.C. :

Heard Mr. Mane, learned counsel for the applicants, Mr. Sonawane, learned APP for the respondent-State as also Ms. Devkar, learned counsel having instructions to appear for the informant.

2. The applicants have approached this Court apprehending arrest in connection with FIR No.0100 dated 06.04.2024 registered at Karkamb Police Station, District - Solapur, for offences under Sections 143, 147, 148, 149, 323, 324, 504 and 506 of the Indian Penal Code, 1860 (IPC) as also Section 135 of the Bombay Police Act, 1951.

3. This Court is informed that subsequently, offence under Section 326 of the IPC is also added in the present case.

4. As per the statement of the informant, on the date of the incident, the accused persons confronted the victim, pulled him down from the tractor and assaulted him, resulting in serious injuries. The informant has stated the role of the accused persons in the aforesaid statement. The applicants are accused Nos.3 and 5. There are total six accused persons in the present case.

5. The learned counsel appearing for the applicants informs this Court that accused Nos.2, 4 and 6 have approached this Court and their application for anticipatory bail is pending, wherein ad-interim order of protection from arrest dated 28.05.2024 was passed by the Vacation Court (Coram: Kishore C. Sant, J.).

6. It is further submitted that a perusal of the statement of the informant would show that the role of the applicants is limited and that the actual assault was not carried out by them and that in any case, the injuries allegedly suffered by the victim cannot be co-related to the role of the applicants. It is further submitted that there is a delay of three days in registration of the FIR and that therefore, this Court may allow the present application, as the applicants undertake to co-operate with the investigation.

7. The learned APP has opposed the prayer on the ground that specific role is attributed to both the applicants and that they not only facilitated the brutal assault by accused No.1, but they themselves were present and assaulted the victim. Reference is made to the injury certificate showing grievous injury to the victim, whereby the seventh and eighth ribs of the victim were fractured. It is submitted that the applicants cannot claim parity with accused Nos.2, 4 and 6, who are ladies and no specific role was assigned to them, other than stating that they were present at the time of the incident. It is further submitted that the delay in registration of the FIR, at this stage, may not be relevant, simply for the reason that the victim had suffered serious injuries and he was undergoing treatment.

8. The learned counsel appearing for the informant supported the arguments made by the learned APP.

9. This Court has perused the material on record. The applicants

before this Court cannot claim parity with accused Nos.2, 4 and 6, who are ladies. Their presence is mentioned in the statement of the informant but their role in the assault is not specifically stated and therefore, there is no question of parity.

10. The statement of the informant clearly indicates that the applicants pulled out the victim from his tractor and thereafter assaulted him with the wooden handle of the axe. Thereafter, they pushed the victim down on the ground, holding his hands and feet, thereby facilitating assault by the accused No.1, resulting in grievous injury of fracture of ribs to the victim.

11. The active role of the applicants is evident from the statement of the informant. The agricultural field of the applicants is adjacent to that of the victim and in such a situation, no case is made out for grant of anticipatory bail.

12. In view of the above, the application is dismissed.

(MANISH PITALE, J.)

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