

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1953 OF 2024

Piyush Shankar Dhadge ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Rohan Hogle for Applicant.
Mr. Bapu V. Holambe-Patil, APP for Respondent-State.
Mr. Prakash Ashok Katkade, PSI, Chakan Police Station.

CORAM : MANISH PITALE, J.
DATE : AUGUST 06, 2024

P.C. :

1. Heard Mr. Hogle, learned counsel for the applicant and Mr. Holambe-Patil, learned APP for the respondent-State.

2. The applicant apprehends arrest in connection with FIR No.0271 of 2024 dated 22.04.2024 registered with Chakan Police Station, District - Pimpri Chinchwad, for offences under Sections 324, 326 and 504 read with Section 34 of the Indian Penal Code, 1860 (IPC) as also under Sections 37(1), 37(3) and 135 of the Maharashtra Police Act, 1951.

3. The informant has stated that the accused persons assaulted him, which resulted in severe physical injuries. The informant has described the role of the accused persons, including the applicant, in the statement that led to registration of the FIR.

4. The Sessions Court rejected the anticipatory bail application of the applicant on 18.06.2024, and therefore, the applicant has moved this Court.

5. The learned counsel for the applicant submits that in the present case, the role attributed to the applicant is not relatable to use of weapon like iron rod, which has been attributed to co-accused person and considering the stated role of the applicant, this Court may consider

granting relief as the applicant undertakes to co-operate with the investigation. It is further submitted that this can be said to be a case of cross FIRs as co-accused person is the informant in an FIR registered immediately after the subject FIR, wherein the genesis of the incident has been stated and specific overt acts have been attributed to the informant herein.

6. On the other hand, the learned APP submits that the applicant does not deserve any indulgence for the reason that he has ten other criminal cases registered against him, including cases where serious offences under Sections 307 and 399 of the IPC have been registered. The role of the applicant is evident from the statement of the informant itself. Injury certificate is produced for perusal of this Court.

7. This Court has considered the rival submissions in the light of the material on record. Statement of the informant clearly shows that the applicant is alleged to have assaulted the informant by using a wooden stick. The parts of the body on which the injuries were inflicted co-relate with injuries found on the body of the informant as per the injury certificate placed for perusal of the Court. The injuries are classified as grievous injuries caused by hard and blunt object. To that extent, the role of the applicant is evident from the material on record.

8. In such a situation, merely because co-accused person has caused cross FIR to be registered, that cannot be a ground to reach any *prima facie* finding in favour of the applicant. Even otherwise, the applicant has as many as ten criminal antecedents and these include registration of serious offences under Sections 307, 353 and 399 of the IPC against the applicant.

9. No case is made out for granting anticipatory bail. The application is dismissed.

(MANISH PITALE, J.)