

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

ANTICIPATORY BAIL APPLICATION NO. 2226 OF 2024

Prasad Anil Bhadange	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Anandmaya S. Dhorde for the Applicant.
Mr. Balraj B. Kulkarni, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 27th AUGUST 2024**

P.C. :

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

2. The applicant apprehends arrest in connection with FIR No. 0151 of 2024 dated 19th April 2024 registered at Yeola City Police Station, Dist. Nashik, for offences under Sections 307, 341, 143, 147, 148, 149, 324, 323, 504 and 506 of the Indian Penal Code, 1860 (IPC) and Sections 4 and 25 of the Arms Act, 1959.

3. The statement of the informant shows that three named persons and four unknown persons assaulted him on the date and time of the incident. The applicant is one of the named accused persons. It is relevant to note that this Court has already dismissed the anticipatory bail application of the other two named accused persons by order dated 24th July 2024 passed in Anticipatory Bail

Application No. 1845 of 2024.

4. The learned counsel for the applicant submits that two co-accused persons were attributed with specific role of having used weapons like *koyta* (sickle) and that this Court, while dismissing their application, had found that medicolegal certificate indicates injuries relatable to the specific overt acts of the two co-accused persons. It is submitted that although the informant has stated that the applicant used an iron rod to assault the informant on his head, the injury corresponding to such an assault is not found in the relevant papers and this ought to inure to the benefit of the applicant.

5. On the other hand, the learned APP has opposed the present application, submitting that specific role with use of weapon and assault on vital part of the body are mentioned in the statement of the informant, leading to registration of the FIR. In such a situation, this Court may not show any indulgence to the applicant.

6. This Court has perused the statement of the informant. Specific role is attributed to the applicant, in as much as, it is alleged that the applicant assaulted the informant on his head by means of an iron rod. Medicolegal injury certificate was perused by this Court, while dismissing the application of the two named co-accused persons, showing existence of injury on the head of the informant. The Sessions Court in the present case, while

dismissing the application of the applicant specifically noted that the said certificate shows big lacerated wound on the head and back of the informant. In such a situation, merely because the other two named co-accused persons were also attributed specific role of assault by way of weapons, the applicant cannot claim that the injury certificate does not show an injury relatable to the specific role attributed to the applicant. At this stage itself, the applicant cannot claim any benefit on the basis of such material.

7. The presence of the applicant and his role of causing injury by iron rod on vital part i.e. head of the informant, is *prima facie* established and in the light of head injury found in the medicolegal injury certificate, no case is made out for granting anticipatory bail.

8. The application is dismissed.

9. Needless to say, the observations made in this order are limited to deciding the present application for anticipatory bail.

MANISH PITALE, J.