

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 48 OF 2025

Rajabhau H. Khatake @ Khatake Patil ...Applicant
V/s.
State of Maharashtra ...Respondent.

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Mr.Chaitanya Pendse a/w. Mr. Ajinkya D. Sangitrao i/b Mr.Shailesh Chavan for the Applicant.
Mr.Shriram Chaudhari, APP for the Respondent/State.
Mr. Sachin M. Bhavar a/w. Mr. Ranjit Parbat for the original complainant.
PSI K.V. Sontakke, Temburni Police Station present.

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CORAM : N.R. BORKAR, J.
DATE : 15.01.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.476 of 2024 of registered at Temburni Police Station, Solapur Rural for the offences punishable under Sections 118(1), 118(2), 126(2), 137(2), 189(2), 190, 191(2), 191(3), 324(4), 351 and 352 of Bharatiya Nyaya Sanhita and Section 135 of the Maharashtra Police Act.
3. According to the prosecution, on the date of incident which took place on 2.8.2024, the present applicant along with other co-accused assaulted the complainant by deadly weapon and attempted to kill him on account of previous dispute.

4. I have heard the learned counsel for the applicant and learned APP for the respondent/State and the learned counsel for the original complainant.

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that according to the complainant, he was brutally assaulted by deadly weapon, however, he did not sustain any serious injury. It is submitted that just to implicate the applicant in a serious offence, false allegations are made.

6. On the other hand, learned APP for the respondent/State submits that the applicant is involved in serious crime of attempt to commit murder. It is submitted that specific *overt act* is attributed to the applicant. It is submitted that the applicant is involved in one more crime and therefore, he may not be released on anticipatory bail.

7. I have perused the injury certificate issued by the Primary Health Centre, Temburni. All the injuries are simple in nature, except injury to left hand ring finger. According to the complainant, he was assaulted by the seven persons that too by deadly weapons like iron rod, cable, pipe etc. It is unlikely that in a incident of such nature, the complainant would sustain only simple injuries. Therefore, *prima facie*, the attempt appears to be to implicate the applicant in more serious offence. As regards the criminal antecedent is concerned, the learned counsel for the

applicant submits that the applicant had already been acquitted in the said crime. Considering the overall circumstances, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

- A) The Anticipatory Bail Application is allowed.
- B) In the event of arrest of the applicant in C.R. No.476 of 2024 of registered at Temburni Police Station, Solapur Rural for the offences punishable under Sections 118(1), 118(2), 126(2), 137(2), 189(2), 190, 191(2), 191(3), 324(4), 351 and 352 of Bharatiya Nyaya Sanhita and Section 135 of the Maharashtra Police Act, he be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one surety or two sureties in the like amount.
- C) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate in the investigation.
- D] The applicant after filing of the charge-sheet shall attend the concerned police station once in a month, i.e., on 1st Saturday till conclusion of trial.

[N.R.BORKAR, J.]