



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

ANTICIPATORY BAIL APPLICATION NO. 244 OF 2025

Madhukar Ganpat Suryavanshi

...Applicant

V/s

State of Maharashtra

...Respondent

...

Adv. Iraa Dube Patil i/b Jay & Co. for the Applicant

Adv. Rutuja A. Ambekar, APP for the State.

Mr. Santosh Kadu Bahakar, PSI, Nandgaon Rural Police Station

...

CORAM : RAJESH S. PATIL, J.

DATED : 5th FEBRUARY, 2025

P.C.:

1. The Applicant has filed the present Application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita 2023 for apprehending his arrest in C. R. No. 527 of 2023 registered with Nandgaon Police Station, Dist- Nashik for the offences punishable under Section 307, 143, 147, 148, 149, 341, 326, 324, 323, 504 and 506 of the Indian Penal Code, 1860.

2 It is the case of the prosecution in the FIR that the present applicant who was holding a stick along with the other accused, assaulted the victim. The Applicant thereafter inflicted a

blow of stone on the mandible of victim Digambar Karbhari and thereby causing fracture injury to the victim. The victim was thereafter bleeding and was taken to hospital. Thereafter, the FIR has been lodged against all the accused. There are total five accused out of which 4 accused have appeared before the trial Court and have secured their bail. Chargesheet has already been filed.

3. Ms. Iraa Dube Patil, learned counsel for the Applicant submits that the Applicant has been falsely implicated in the present offences. Applicant is a senior citizen 69 years of age and his occupation is farming. He has earlier filed one bail application before the Trial Court bearing Bail Application No. 54 of 2024 at Sessions Court Malegaon. However, the said Bail Application was rejected. Thereafter fresh anticipatory bail application was filed by the Applicant before the Session Court. Even the second anticipatory bail Application was rejected by the Sessions Court. Thereafter, the present anticipatory bail application has been filed by the Applicant. The arrest of the Applicant will harm his reputation and his personal life. The family of the Applicant have deep roots in the society. Since the co-accused have already been

released, the present anticipatory bail application also requires to be allowed with appropriate conditions.

4. The learned APP appearing for the Respondents submits that by a well reasoned order the Sessions Court has rejected the bail application of the Applicant. The statements of the witnesses have been recorded in the present proceeding wherein, the contents of the FIR has been narrated. Nature of allegations in the FIR are of serious in nature. It is also alleged that applicant with co-accused have assaulted the informant with stick & Koyta. The weapon (Koyta) used during the commission of offence is yet to be recovered. Given the gravity of the offence, custodial interrogation is necessary for recovery of weapon used (Koyta).

5. In the FIR, the role of the present Applicant has been specifically mentioned. The FIR No. 0527/2023 wherein, the Applicant has been shown as Accused No. 1 was filed on 15.11.2023 at 2:15pm in the afternoon. Whereas, the FIR lodged by the present Applicant bearing No.0530/2023 at midnight after 12.00 am i.e. 00.37 hrs., which is much later than the Applicant which *prima facie* looks to be afterthought.

6. The medical report of the informant at page 90 shows that the object used for causing injury is a sharp object and type of injury is 'Laceration wound on head'
7. Both the parties have filed FIR against each other. The anticipatory bail application preferred by the informant & four others have been rejected.
8. After going through the FIR and after considering the submissions, in my opinion, no case has been made out for granting any protective order in favour of the Applicant.
9. In view of the same, the Anticipatory Bail Application is rejected.

(RAJESH S. PATIL, J.)