

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1198 OF 2015

Vaibhav Mohan Pawar	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mrs. Racheeta R. Dhuru, Advocate for the applicant.
Mr. S.S. Pednekar, Advocate for the respondent.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **AUGUST 17, 2015**

P.C.:

This Application is moved for pre-arrest bail, as the applicant/accused is apprehending arrest for the offences punishable under sections 394, 341, 324, 323 r/w. 34 of the Indian Penal code, which is registered at the instance of one Mukesh Vinesh Gosavi on 29th December, 2014 in C.R. No. 240 of 2015 with Satara Taluka Police Station.

2. It is the case of the prosecution that the assault has taken place on 28th December, 2014 at around 6.15 p.m.at Mouje Saidapur. At the time of assault, as per the case of the prosecution, the applicant/accused used some iron rod/weapon and hit the complainant on his head. The complainant became unconscious and thereafter the complaint was registered.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is innocent. He is a young boy. He has been attending the police station since last 6 months and hence, the applicant is to be granted pre-arrest bail. Earlier, C.R. No. 107 of 2014 was registered against Gadge and he has taken the present injured to the hospital.

4. Learned APP opposed the Application. He relied on the injury certificate of Mukesh Gosavi and submitted that the police wants to recover weapon from the applicant/accused and that was the ground for rejection of anticipatory bail by the Sessions Court.

5. Perused the FIR, injury certificate of Mukesh Gosavi. The injury certificate discloses that there were injuries on the occipital and parietal temporal region of the head. As per the statement of the complainant, the applicant/accused was holding iron rod/weapon and he assaulted on the head of the complainant. The police wants to recover the weapon from the applicant/accused. *Prima facie* it does not appear a case of falsification due to registration of offence under C.R. No. 107 of 2014 against Gadge. In view of this, this is not a fit case to grant pre-arrest bail. Hence, Application for anticipatory bail is rejected.

(MRS.MRIDULA BHATKAR, J.)