

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.716 OF 2015

Atul Chandrakant Ghogare	... Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Rahul S. Kadam for the Applicant.

Mr. Arfan Sait, A.P.P., for the Respondent-State.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.
[Vacation Court]

DATE : 26th MAY, 2015.

P.C. :

1. This is an application preferred under Section 438 of the Code of Criminal Procedure seeking anticipatory bail, as the Applicant apprehends to be arrested in C.R. No.86 of 2015 registered with Indapur Police Station for the offences punishable under Sections 326, 323, 504 and 506 of the IPC.

2. As per the Prosecution case, in the quarrel between one Rashid Maneri and the present Applicant, when Complainant intervened and tried

to separate them, the Applicant assaulted the Complainant by pick axe on his right hip joint, due to which he sustained grievous injuries. The incident had taken place on 13th March, 2015 and as per Prosecution case, since then the Applicant is absconding.

3. Whereas, as per the Applicant, the injuries sustained in the incident were only of a simple nature and not at all grievous one. Therefore, the offence under Section 326 of the IPC itself is not attracted in the case.

4. I have heard learned Counsel for the Applicant and the learned A.P.P. for the Respondent/State. At this stage it may be stated that on 18th May, 2015 when the matter was heard at length by the Court and when the Court expressed its inclination to reject the said application, learned Counsel for the Applicant prayed for an adjournment for a period of one week. Accordingly, the matter was adjourned and in the meanwhile no interim relief was granted. Now today at the time of hearing, no documents are produced to take any different view of the matter.

5. From the record, it can be seen that the Complainant was admitted in the hospital for seven days. The weapon used in commission of the

offence is the pick axe and the assault is made on the vital part of the body. In such situation, when the Prosecution has also pointed out to the fact that the Applicant is threatening the witnesses, and when the custodial interrogation of the Applicant is necessary for recovery of the weapon of assault, this is not a fit case to grant the benefit of anticipatory bail. Therefore, the application stands dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]