

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1273 OF 2015

Pravin Manoharlal Khanna .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.B.V.Salunkhe i/b. Mr.Subhash Hulyalkar,
Advocate, for the Applicant

Mrs.P.P.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 28.08.2015

P.C.

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

2. By this application, the applicant
seeks pre-arrest bail in connection with
C.R.No.126 of 2015 registered with the Sangvi
Police Station, Pune, for the alleged offences
punishable under Sections 323, 324, 326, 506
r/w.34 of the Indian Penal Code, 1870.

3. A complaint has been lodged by Shubham Vilas Sutar, a student aged 18 years. It is alleged by the complainant that when he was celebrating his friend Rahul Lokhande's birthday, the present applicant came there and asked why he was celebrating Rahul Lokhande's birthday; abused him; and started assaulting. It is alleged that when Shubham Hirve, a friend of the complainant intervened, the present applicant even assaulted him. Thereafter, the present applicant is alleged to have assaulted the complainant with a sickle and the other co-accused Vijay Nirmal and Swapnil Yadav are alleged to have assaulted the complainant on his legs. As a result of the said injuries, the complainant was admitted to the hospital.

4. Learned counsel for the applicant states that the co-accused, Vijay Nirmal and Swapnil Yadav have been enlarged on bail by this

Court (CORAM : MRS.MRIDULA BHATKAR, J.) vide order dated 05.08.2015. He submits that considering the nature of allegations, the custody of the applicant is not required.

5. Learned APP opposed the Anticipatory Bail Application.

6. Perused the complaint as well as the order on which parity is sought. From a perusal of the complaint, it is clear that the present applicant assaulted the complainant with a sickle on his head. It appears that the complainant has received injuries like CLW over his occipital region, as a result of the sickle blow caused by the applicant. This Court while granting anticipatory bail to the co-accused, considered the role of the said two co-accused; i.e. the injuries alleged to have been caused by them and the fact that the co-accused were

students aged 20 years.

7. Considering the role of the present applicant, that he assaulted the complainant with a sickle on his head and there is corresponding injury, the applicant does not deserve pre-arrest bail. The Application is, accordingly, rejected and is disposed of.

8. If an application for regular bail is made, the same shall be considered on its own merits, uninfluenced by the observations made by this Court.

(REVATI MOHITE DERE, J.)