

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1267 OF 2019

Hitendra Vikas Thakur

.Applicant

Vs.

The State of Maharashtra

.Respondent

Ms Jaymala Ostwal a/w Ms Komal Gosavi i/b. M/s. J. J. Associates,
Advocate, for the Applicant

Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 27.06.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 7 of 2019 registered with the R. C. F. Police Station, Mumbai, for the alleged offences punishable under Sections 326, 324, 323, 354A, 354B, 504, 506, 143, 147, 149 & 427 of the Indian Penal Code.

3. Perused the papers. The Complainant – Gracy Vincent, aged 63 years has alleged that the incident of assault took place on

06.01.2019 at about 5.00 p. m. when she was present outside her house alongwith her sister, son-in-law – Pritam and grandchildren. It is alleged that the Applicant and his wife abused the Complainant and her family, whilst passing. Initially, the Complainant asked her son-in-law – Pritam to neglect, however, the Applicant returned with his uncle and one Jayendra Thakur. It is alleged that the said accused including the Applicant started arguing by saying, that Pritam was showing attitude to them. It is alleged that the Applicant alongwith others assaulted Pritam with an iron rod. When the Complainant's brother – Wilson came to Pritam's rescue, the Applicant is alleged to have picked up a paver block and thrown it on Wilson's head, as a result of which Wilson sustained a bleeding injury. Wilson was also assaulted on his face and left shoulder with an iron rod. The Applicant is also alleged to have thrown the iron rod at the public who had gathered there to rescue the Complainant and others and was abusing and threatening the Complainant. The Applicant also twisted the Complainant's sister's hand and when the Complainant's son – Anthony came to the spot and, he was also assaulted by an iron rod, as a result of which he sustained a bleeding nasal injury. Co-accused – Vikas Thakur is alleged to have assaulted the Complainant and touched her inappropriately. The Injury Certificate of Anthony shows that he has sustained a grievous injury i. e. linear undisplaced

fracture of nasal bones. The Injury Certificate of Wilson shows that he has sustained two injuries; one CLW on the right upper parital region which is simple in nature and the second injury is a grievous injury. The Injury Certificate of Pritam shows that he has sustained undisplaced fracture of transverse process of L3 and L4 vertebrae. The Applicant has 7 antecedents. All the offences are bodily related offences from the year 2012 to 2018. Considering the role of the Applicant in the aforesaid crime as well as the antecedents, this is not a fit case to grant pre-arrest bail to the Applicant. Hence, the Application stands rejected and stands disposed of accordingly.

4. It is made clear that the observations made herein are *prima facie*, and if an Application for regular bail is filed, the learned Judge shall consider the same on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)