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

ANTICIPATORY BAIL APPLICATION NO.1475 OF 2019

Jagannath Yashwant Sawant	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.S.R.Phanse, for the Applicant.

Mr.V.V.Gangurde, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 9th JULY, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R.No.I-88 of 2019 registered with the Vishnu Nagar Police Station, Thane, for the alleged offences punishable under Sections 307, 324, 504, 506(2) r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submitted that FIR was

registered initially under Sections 324, 504 and 506(2) of the Indian Penal Code and subsequently after two weeks, Section 307 of the Indian Penal Code came to be added. He submitted that considering the nature of injuries, the applicant be granted pre-arrest bail.

4. Learned APP opposed the application. He submitted that the statements of the eye-witnesses show that the applicant assaulted the complainant - Suraj Pawar, with a beer bottle on his head, on account of some previous enmity.

5. Perused the papers. According to the prosecution, the incident took place on 30th April, 2019 at about 9.45 a.m. According to the prosecution, the applicant alongwith co-accused – Makarand Shirsat, Sikandar Nandyal and Jayesh Bhoir, came in a car and abused the complainant – Suraj Pawar, on account of some previous enmity. The complainant – Suraj, has alleged that the present applicant assaulted him with a beer bottle on his head and co-accused - Sikandar with a chopper. A perusal of the statements of the eye-witnesses show that the applicant got down from his car with two beer bottles in both his hands and assaulted –

Suraj with the beer bottle on his head, as a result of which Suraj sustained a bleeding injury. In addition to the complainant (i.e. injured witness) there are three eye-witnesses to the said incident, who have categorically stated that the applicant – Jagannath, assaulted the complainant with a beer bottle on his head with the intention of taking his life. The injury certificate shows that the complainant - Suraj had sustained a wound on the occipital region of the head, bleeding; CLW 3cm X 1mX 0.5 cm, on the left temporal region of the head, bleeding; blunt trauma over the neck; blunt trauma over the body and CLW 5cmX1cmX 0.5cm on the occipital region of the head. Although the injury is stated to be simple, considering the manner in which the complainant was assaulted by the applicant with a beer bottle due to some previous enmity, it appears that the intention was to take the life of the complainant.

6. Considering the material on record, this is not a fit case to grant pre-arrest bail to the applicant. Accordingly, the Application for pre-arrest bail is rejected and disposed of as such.

7. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application and if an application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.