

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

ANTICIPATORY BAIL APPLICATION NO.1211 OF 2021

Nashiket Hiranman Gawand Applicant
Versus
The State of Maharashtra Respondent

Mr. Daulat Khamkar, Advocate i/b. R.S. Dubey, for the Applicant.

Mr. S.R. Agarkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 21st MAY, 2021
[Vacation Court]
[Through Video Conferencing]

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.17/2021 registered at Chunabhatti Police Station, Mumbai under Sections 307, 323, 504, 506 read with 34 of the Indian Penal Code and under Sections 37(1) and 135 of the Maharashtra Police Act.

2. Heard Shri Daulat Khamkar, learned Counsel for the Applicant and Shri S.R. Agarkar, learned APP for the State.

3. The FIR is lodged by one Jayesh Bhandare on

12.1.2021. He has stated that on that date at about 5:30 p.m., he was watching a cricket match at Suman Nagar. At that time, the Applicant and three to four other named accused were standing nearby. The Applicant came near him, held him by scruff of his neck and pulled him towards the common toilet at Suman Nagar. While the informant was being dragged, the Applicant removed a big knife which he had concealed in his shirt. He threatened other people and prevented them from helping the informant. The accused Kiran and Sandip started beating the informant with kick and fist blows. The Applicant gave blows with knife on his head. The other accused Ashitosh gave blows with knife on his shoulder and hips. In the incident, one of the accused Ashitosh himself suffered injuries. The informant fell down on the ground in an injured condition. After some time, the accused went away from the spot. The informant was taken to hospital and was treated. On this basis, the FIR is lodged.

4. Shri Khamkar submitted that the other accused are released on bail. According to Shri Khamkar the Applicant's

custodial interrogation is not necessary. The weapon can be recovered even without arresting the Applicant.

5. Learned APP produced the injury certificate of the informant before me and opposed this application.

6. I have considered all these submissions. The offence is quite serious. The injury certificate shows that there were four incised wounds with sharp weapons on the injured in consonance with the FIR. One of the injuries on the head has caused chip fracture of the frontal bone on right side. It is described as a grievous injury. The manner of assault with a big knife on head shows that it was a serious incident and therefore, protection of anticipatory bail cannot be granted to the Applicant. Hence, the Application is rejected.

(SARANG V. KOTWAL, J.)

Deshmane (PS)