

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

ANTICIPATORY BAIL APPLICATION NO.1342 OF 2021

Irfan Iqbal Akhtar Kazi

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

Mr.F N. Momin a/w. Mr. Gautam Jain, Advocate for Applicant.
Mr. H. J. Dedhia, A.P.P. for the State-Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 18th JUNE, 2021

PC.

1. This is an application for anticipatory bail in connection with C. R. No.I-97 of 2021 registered with Bhoiwada Police Station, Bhiwandi for the offence punishable under Sections 307 and 504 of the Indian Penal Code.

2. The case of the prosecution is that, the injured was employed with applicant/accused. Since the injured had joined some other employment, he went to applicant and asked for his balance salary. At that time the applicant started abusing him and gave forceful blow on his head because of which injured fell on the ground. He had sustained

several injuries. Injured was admitted to hospital and he was indoor patient. He was in ICU for a period of ten days.

3. The contention of the applicant is that the offence under Section 307 of IPC is not made out. There was no intention to commit murder. The injuries had caused on account of fall on the ground. The applicant is willing to co-operate with the investigation.

4. Learned APP submits that the blow was forceful. Repeated blows were given on the injured. The force used in assaulting the injured was such that he fell on the ground. Most of the injuries are on the count of the forceful fist blows given by the applicant. There was bleeding from the ear of the injured person. He also pointed out the injury certificate which referred to the following injuries (i) extradural hemorrhage along the right temporal region, (ii) Mild subarachnoid hemorrhage in left frontal left temporal and left parietal sulci. (iii) Subdural hemorrhage in left temporal region. (iv) Fracture of right parietal bone, fracture right occipital bone and right greater wing of spheroid bone, (v) Longitudinal

fracture of the squamous and mastoid part of the right temporal bone, subgaleal scalp hematoma in bilateral parietal occipital region. Considering the nature of injuries sustained by the victim, it is clear that he was assaulted brutally by the accused. Hence no case for grant of anticipatory bail is made out.

ORDER

Anticipatory bail application No.1342 of 2021 is rejected.

(PRAKASH D. NAIK, J.)