

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 420 OF 2022

Mayur Sanjay Arawade

..Applicant

V/s.

The State of Maharashtra

..Respondent

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CHAVAN

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Mr. Pravin Bhoite for the Applicant.

Mr. A.R. Kapadnis, APP for the Respondent/State.

P.C. Kishor Wagh, Daund Police Station, Pune present.

CORAM : C.V. BHADANG, J.

DATE : 16 FEBRUARY 2022

P.C.

1. The Applicant, apprehending his arrest in connection with the investigation of Crime No. 373 of 2020 registered with Daund Police Station, Dist. Pune under Section 326, 325, 323, 504, 506 read with Section 34 of I.P.C. is seeking pre-arrest bail.

2. The Applicant is the co-accused in the said offence which is registered on the basis of the complaint lodged by Vikas Jogdand, who is the brother-in-law of the Applicant. The sister of the Applicant is married to the first informant and there appears to be a dispute between the family of the first informant and his in-laws. The incident is alleged to have happened on 24.07.2020 at

about 12 noon, when the father and mother-in-law of the first informant along with present Applicant and his brother Sanjay Aravade had gone to the portion which was in possession of the first informant and had abused the first informant. In the FIR, the first informant has claimed that the Applicant was holding an axe. However, in the supplementary statement recorded on 26.07.2020, he claims that the Applicant was holding a wooden stick and assaulted the first informant on the head. In the incident, apart from the complainant, his wife Seema, son Vishwajeet and daughter Diksha were also injured.

3. I have gone through the injury certificate of those injured and it appears that the son of first informant i.e. Vishwajeet had suffered a fracture. The first informant has also suffered following injuries.

- “1. CLW forehead Rt side 3cm X 4 cm.*
- 2. CLW Lt. Parietal region 3 cm x 4 cm.*
- 3. CLW occipital region 2 cm x 3 cm.*
- 4. CLW Rt leg m/3 5 cm x 6 cm.*
- 5. Fracture dislocation thumb.*
- 6. Contusion over chest.”*

4. The learned counsel for the Applicant submitted that there was no premeditation. It is submitted that there is a counter FIR lodged by Deepak Aarvade, the brother of the Applicant, on the basis of which, the offence is registered.

5. Upon hearing the learned counsel for the parties, prima facie it appears that the occurrence of the incident is not disputed. However, it appears that it was the Applicant and others who went to the portion in possession of the informant and not only the informant, but his wife and two children were involved in the incident and had suffered injuries. The learned counsel pointed out that the father and the mother of the Applicant have been granted anticipatory bail and the brother of the Applicant has been arrested and has been released on regular bail.

6. However, considering the nature of the allegations and the injuries suffered, I do not find that a case for grant of pre-arrest bail is made out.

7. The Criminal Application is accordingly rejected.

8. It is made clear that the observations herein shall not come in the way of the learned Sessions Judge, while considering the application for regular bail, if any.

(C.V. BHADANG, J.)