

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1942 OF 2022

1. Pranay Baliram Bhopi
Age 28 yrs, Occupation-service
r/o Village Ritghar, Post-Morbe,
Taluka Panvel, District-Raigad
(accused no.1)

2. Pritam Baliram Bhopi
Age-24 yrs, Occupation -service
r/o village Ritghar, Post Morbe,
Taluka Panvel, District-Raigad
(accused no.2)

.... Applicants.

Vs.

The State of Maharashtra
(through Sr.Inspector of Police
Khandeshwar Police Station, Raigad)

.. Respondent.

...
Mr.Rahul Thakur, Advocate i/b Mr.Sanket Thakur, a/w Ms Sushmita Tandel,
for the applicants.

Ms Geeta P. Mulekar, APP for the State.

API S.D. Kamat, Khandeshwar Police station is present.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 19th JULY, 2022.

PC.:

1. The applicants have approached this Court seeking pre-arrest bail on the basis of an FIR, bearing FIR No.0133/2022, registered on 6.5.2022 for offences punishable under Sections 326, 323, 324, 504, 506 r/w 34 of the

Indian Penal Code.

2. The sum and substance of the allegations are that the applicants, in furtherance of their common intention, mounted assault on the vital part of the victim/first informant, by means of bamboo, which had resulted in grievous injuries in the nature of i) SUBARACHNOID HAEMORRHAGE and ii) TRAUMATIC PERFORATION OF TYMPANIC MEMBRANE (LEFT).

3. Learned APP, on instructions of the Investigating Officer who is preset in the Court, submits that the applicants have not been cooperating with the investigating agency and are avoiding their arrests. Eversince, the offence took place on 6.5.2022, till date whereabouts of the applicants are not known.

4. Per contra, learned Counsel for applicants submit that the injuries alleged to have been inflicted upon vital parts are not grievous injuries as defined in Section 320 of the IPC. He further submits that there is no material to show that there is a permanent privation of any member or joint or destruction or permanent impairing of the powers of any member or joint. I am afraid, mere looking at the medical certificate and the injuries mentioned therein indicates grievous injuries on the head of the victim which can be definitely said to be grievous hurt which has endangered life of the victim.

5. Offences are serious and grave in nature. The injuries are inflicted on vital part of the victim's body. It is also clear that the applicants have not been cooperating with the Investigating Officer in the investigation as they are said to be untraceable, which would give rise to a possibility that

they would flee from justice.

6. For the reasons stated hereinabove, this cannot be a fit case to grant anticipatory bail to the applicants.

7. Consequently, the application is devoid of merits and hence, stands rejected.

[PRITHVIRAJ K.CHAVAN J.]