

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2645 OF 2022

Aniket Baban Gangadhare	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Umesh H. Pawar for Applicant.
Mr. N. B. Patil, APP for Respondent-State.

CORAM : NITIN W. SAMBRE, J.
DATE : SEPTEMBER 26, 2022

P.C. :

Heard.

2. Applicant is seeking pre-arrest bail in Crime No.884 of 2022 registered with Hadapsar Police Station, Pune City for the offence punishable under Section 4 of the Arms Act, Section 307 r/w. Section 34 IPC and Sections 37(1) and 135 of the Maharashtra Police Act.

3. Case of the prosecution is, the applicant and the complainant were in friendly terms. Taking advantage of such relation, the applicant stole the bike from the custody of the complainant, sold it and when the complainant sought refund of amount, he was assaulted.

4. The submissions are, no offence about theft was lodged by the complainant except lodging of the FIR in question. He would further urge that the entire story is concocted so as to exert pressure on the applicant to recover money.

4.1. Counsel for the applicant would invite attention of this Court to the nature of injuries suffered by the complainant so as to urge that custodial interrogation is not required.

5. APP would support the case of the prosecution and submit that the

other co-accused are also involved in the offence. The weapon is yet to be recovered.

6. I have appreciated the submissions.

7. The FIR speaks of the assault by the applicant with the help of sharp weapon i.e., sickle. The assault was on the head of the complainant, which he resisted by his hand. The medical certificate speaks of the complainant suffering three grievous injuries by a sharp weapon.

8. There are eye-witnesses to the incident namely, Bhaiya Gaikwad.

9. That being so, the *prima facie* involvement of the present applicant in the serious offence is made out. The application, as such, is rejected.

(NITIN W. SAMBRE, J.)

Minal Parab