

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2903 OF 2022**

Abhijit Rajaram Mandhare ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. S.M. Katkar i/b Manisha Devkar for the Applicant.
Ms. P. P. Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.
DATED : 18 OCTOBER 2022

P.C. :-

This is an application under Section 438 of Code of Criminal Procedure for grant of anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 238 of 2022 registered at Velapur Police Station for the offence punishable under Sections 307, 324, 323, 504, 506 read with 34 of Indian Penal Code.

3. It is the case of the prosecution that on 27.08.2022 at about 8.00 am in the morning, the present applicant and other co-accused assaulted complainant Samadhan Bhimrao Chavan, Rajaram Mandhare, Swati Ramchandra Chavan and Uttam Narayan Chavan

by iron rod and sticks.

4. Heard the learned counsel for the applicant and the learned APP for the respondent-State.

5. The learned counsel for the applicant submits that initially the crime was registered for the offence punishable under Section 326 only. It is submitted that the incident is not premeditated. It is submitted that the applicant is aged about 21 years and there are no criminal antecedents. Considering these facts, the applicant be released on anticipatory bail.

6. On the other hand, the learned APP for the respondent-State submits that the co-accused has assaulted complainant Samadhan Chavan by iron rod on his head. It is submitted that the present applicant has assaulted another injured Ramchandra by stick. It is submitted that custodial interrogation of the present applicant is necessary to recover stick.

7. I have perused the First Information Report. Perusal of the the FIR shows that the present applicant and other co-accused had initially assaulted injured Ramchandram and when his brother, the complainant Samadhan, came to his rescue, the co-accused assaulted him by iron rod on his head. It further appears that the the present

applicant assaulted Ramchandra by stick on his chest and back. From the statement of Dhanaji Chavan, it appears that the present applicant has also assaulted by stone to another injured Narayan Chavan. I have perused the paper of investigation and more particularly the injury certificates of the injured. One of the injuries caused to the complainant is of grievous nature.

8. Considering the above facts and circumstances, I am not inclined to release the applicant on anticipatory bail.

9. The Application is rejected.

(N.R. BORKAR, J.)