

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

ANTICIPATORY BAIL APPLICATION NO. 3137 OF 2021

**SNEHA
NITIN
CHAVAN**

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Deepak Shivaji Pawar and Anr.

..Applicants

V/s.

The State of Maharashtra

..Respondent

Mr. P.P. Pokale for the Applicants.

Ms. M.R. Tidke, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

**DATE : 1 FEBRUARY 2022
(Through Video Conferencing)**

P.C.

1. The Applicants apprehending their arrest in connection with the investigation of Crime No.808 of 2021 registered with Shirur Police Station, Dist. Pune under Section 307, 325, 504 and 506 read with Section 34 of I.P.C. and Section 39 and 45 of the Maharashtra Money Lending Act are seeking pre-arrest bail.

2. The aforesaid crime is registered on the basis of the complaint lodged by Priyanka Varpe, who is wife of the victim Vinod Sampat. According to the prosecution, the victim obtained a loan of Rs.10,000/- from the Applicant No.1 and had repaid Rs.15,000/- along with interest. However, according to the

informant, still the Applicant No.1 was making demand for further amount. On 18.10.2021 at about 12 noon, the victim was called by Sambhaji Sonavane to Rajnandini Hotel. The victim went to the said hotel and found that the Applicants were present there. It is stated that the Applicant No.1 made a demand of money to the victim, when the victim stated that the amount had already been repaid. At that time, it is alleged that both the Applicants assaulted the victim by fists and kick blows. The persons, who were present in the hotel and one Arun Yadav intervened in the matter. According to the victim, when he went out of the hotel, he was again assaulted by the Applicants with fists and kick blows. It appears that the victim was admitted to hospital where on 19.10.2021 his spleen was removed as there was internal hemorrhage.

3. I have heard the learned counsel for the Applicants and the learned APP.

4. The learned counsel for the Applicants strenuously urged that the only allegation is about an assault by fists and kick blows which does not show intention to cause death of victim and therefore, prima facie the offence under Section 307 of IPC is not made out. It is submitted that there is no recovery as such to be made and the custodial interrogation is not necessary.

5. The learned APP pointed out that apart from the victim there other eye witnesses and victim is shown to have suffered a grievous injury where his spleen was required to be removed and his liver is also damaged.
6. This is not the stage to appreciate the material in details. Suffice it to mention that the victim had suffered a grievous injury in which he was operated upon and his spleen has been removed. Incident has happened out of money lending transaction, which needs further investigation. No case for grant of pre-arrest bail is made out.
7. The Criminal Application is accordingly rejected.

(C.V. BHADANG, J.)