

Rohan Ramchandra Hake	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Umesh H. Pawar for the Applicant.
Ms. P. P. Shinde, APP for the State.
Mr. S. S. Mahadik, Kundal Police Station Sangli Present.

CORAM : N.R. BORKAR, J.

DATED : 14 NOVEMBER 2022

P.C. :-

The is an application under Section 438 of Code of Criminal Procedure.

2. The applicant is apprehending his arrest in Crime No. 120 of 2022 registered at Kundal police station punishable under Sections 326, 323, 504, 506 read with 34 of Indian Penal Code.

3. It is the case of the prosecution that on 04.10.2022 on account of some previous dispute, the present applicant assaulted the complainant- Vijay Jyotiram by iron rod.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

5. The learned counsel for the applicant submits that during the pendency of anticipatory bail application before the Sessions Court the applicant was released on interim anticipatory bail. It is submitted that the applicant attended the concerned police station and co-operated. It is submitted that nothing is to be recovered from the applicant as iron rod and blood stain clothes are already recovered and therefore, his custodial interrogation is not necessary. It is submitted that considering these facts and circumstances applicant may be released on anticipatory bail.

6. On the other hand the learned APP for the respondent-State submits that the applicant has assaulted on vital part. It is submitted that considering the nature of assault and injury, Section 307 of the IPC is invoked against the present applicant. It is submitted that considering the nature of offence the applicant may not be released on anticipatory bail.

7. According to the complainant, the present applicant assaulted him on his head by iron rod. I have perused the injury certificate. The nature of injury is grievous. Considering the nature of injury and as the assault was made by iron rod I am not inclined to release the applicant on anticipatory bail.

9. Application is rejected.

(N.R. BORKAR, J.)