

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.1506 OF 2023

Ajay Vijay Patil	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Satyavrat Joshi i/by Mr. Ashish S. Vernekar, for the Applicant.

Mr. Veera Shine , APP for the State-Respondent.

Mr. Dilip Shinde, for Intervener (Original complainant).

Mr. Mallalkar M. Tukaram, ASI, Vita police station.

CORAM : AMIT BORKAR, J.

DATED : JUNE 7, 2023

P.C.:

1. This is an Application under Section 438 of the Code of Criminal Procedure, 1973, seeking pre arrest bail in connection with C.R. No.229 of 2023 registered with Vita police station, Sangali for offences punishable under Sections 143, 147, 148, 149, 324, 323, 327 of the Indian Penal Code.

2. According to prosecution case, one Satish Sambhaji Nikam is the father-in-law of the informant who executed will deed of his property in the name of the wife of the informant and her younger brother. For this reason Applicant took grudge against the informant. On 24th April, 2023, when the informant had taken with him the gold ornaments from his shop, Satish Nikam along

with Yash Nikam came there and asked the informant to accompany them to Vita in four wheeler vehicle. At about 3:00 pm when they reached Karve, Satish Nikam stopped his vehicle near the construction site of Dhaba of Applicant. There was discussion amongst them. During discussion, accused No.3 started assaulting informant. The Applicant assaulted informant. Due to assault of Applicants, the informant suffered grievous injury. The informant, therefore, filed report with respondent No.1 – police station.

3. Apprehending arrest, the Applicant filed Application under Section 438 of Cr.PC. which is rejected by the order dated 11th May, 2023. Aggrieved thereby, the Applicant has filed the present Application.

4. The learned Advocate for the Applicant submitted that he has been falsely implicated.

5. Due to assault caused by the Applicant, the informant suffered grievous injury. Having considered, the submissions and the case diary produced by learned APP. It appears that injuries caused by assault attributed to the Applicant are grievous in nature. Prima facie, injury certificate supports the case of prosecution that there is fracture over nose due to assault by hard object. The custodial interrogation of the Applicant is necessary to recover alleged loss of gold ornaments. The Applicant has previous crime bearing No.107 of 2012 under Sections 386, 387, 452, 323, 427 read with 34 of the Indian Penal Code to his discredit. Therefore, considering the nature of offence alleged against the Applicant, alleged injuries caused by the Applicant and

previous antecedents, the Applicant does not deserve to be released on anticipatory bail.

6. The Anticipatory Bail Application is, therefore, rejected.

(AMIT BORKAR, J.)