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

**ANTICIPATORY BAIL APPLICATION NO. 180 OF 2023
WITH
INTERIM APPLICATION NO. 306 OF 2023**

Shri Prabhu S. S/o Saktibel

..Applicant

VS.

The State of Maharashtra

..Respondent

Mr. Amit Mane, for the Applicant.

Mr. Rahul Shelke a/w Mr. Akshay Bansode, for the Intervener.

Ms. P. N. Dabholkar, APP for the State.

Mr. Vaibhav Vijay Dhumal-PI, Kasarwadavli Police Station, Thane city present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 15, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP.

2. This is an application for pre-arrest bail. The applicant is apprehending arrest in connection with C.R.353 of 2022 dated 19/10/2022 registered with Kasarwadavli Police Station for offence punishable under sections 326, 323, 441, 504, 506 of the Indian Penal Code, 1860.

3. The alleged incident happened on 14/08/2022 between 8.00 p.m. and 10.30 p.m. The applicant is the real brother of the complainant's wife i.e. brother-in-law of the complainant. It is alleged that there was some quarrel between the complainant's wife and her mother-in-law on 14/08/2022 which she informed to her parents. The applicant's in-laws as well as the applicant came to the residence of the complainant at about 8.00 p.m. It is alleged that the complainant's in-laws and the applicant abused the complainant and started beating him. It is alleged that the applicant assaulted the complainant with fist blows. Thereafter the complainant's father-in-law handed over a wooden plank to the applicant. The applicant assaulted the complainant with wooden plank on his head. The complainant had to be admitted to the Jupiter hospital. The injury certificate of Doctor records that the nature of the injury is CLW over right parietal region of head. The nature of injury is stated to be grievous.

4. It is contended that the FIR was not registered. The applicant therefore had to approach the competent Court

under section 156(3) of the Code of Criminal Procedure. Thereafter the FIR came to be registered on 19/10/2022. My attention is invited to a document which is at page 42 of the intervention application which is a letter written by the complainant to the Inspector of Police, Police Station Komangalam Pudur dated 16/01/2016 wherein similar allegations were made that the applicant had assaulted the complainant and his mother and that the applicant tried to kill him. It was submitted by learned counsel for the applicant that except for the letter, there is no material to indicate that any offence was registered against the applicant.

5. Considering the nature of the accusations and as the complainant suffered a grievous injury on the vital part of his body, this is not a fit case to grant anticipatory bail to the applicant. The application is rejected. The interim application also stands disposed of.

(M. S. KARNIK, J.)