

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.238 OF 2023

Mayur Netaji Wagh	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Aniket Nikam i/by Mr. Amit Icham for the applicant
in anticipatory bail application.

Mr. Rajesh Khobragade for the applicant in interim
application.

Ms. Rutuja Ambekar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 8, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.302 of 2022 dated 19th November 2022 registered with Alephata Police Station, District Pune for allegedly having committed the offences punishable under sections 323, 324, 326, 504, 506 read with 34 of the Indian Penal Code, 1860, the applicant has filed present anticipatory bail application seeking his pre-arrest bail.

2. According to the prosecution case, the incident took place on 11th November 2022 at 09:00 a.m. in the house of the applicant and the victim. At the time mentioned, when the applicant along with other family members were cleaning the house, the applicant raised dispute on account of their residence and he kick blow on

the waist of informant and also dragged her by holding her hair and assaulted on her back and abdomen by means of stick. The other accused persons also beat her with fist and blows. The victim suffered certain grievous injury and fracture to her back bone. Therefore, report was lodged against the applicants and others.

3. The applicant, therefore, filed an application under section 439 of the Criminal Procedure Code, 1973 for anticipatory bail, which has been rejected by the learned Sessions Court by order dated 16th January 2023. Aggrieved thereby, the applicant has filed present anticipatory bail application.

4. On perusal of the case diary and other documents on record, it appears that the victim is the mother of the applicant. Despite said relationship, the applicant assaulted her by fist and blows on her waist resulting into fracture on her back bone. He also assaulted her by stick. Therefore, it is quite apparent that the act of the applicant has caused grievous injury to his mother. Though the co-accused are released on bail, considering the role of the applicant, at this stage he could not be released on pre-arrest bail. The offence is alleged against his mother and, therefore, if the applicant is protected, there is possibility that he will try to influence his mother again. Apart from the above act, the applicant has criminal antecedents to his discredit. Hence, no case for grant of pre-arrest bail is made out.

5. The anticipatory bail application is dismissed. No costs.

6. In view of dismissal of anticipatory bail application, nothing remains to be adjudicated in the interim application. The same stands disposed of accordingly.

(AMIT BORKAR, J.)