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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1135 OF 2023

Santosh B. Bhandari ...Applicant
V/s.
State of Maharashtra ...Respondent.

Ms Pooja Agrawal a/w. Mr. Ajinkya Gaikwad for the Applicant.
Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 19.04.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.384 of 2023 registered at Hadapsar Police Station, Pune for the offences punishable under Sections 143, 144, 145, 149, 308, 326, 323, 504, 506 of the Indian Penal Code, Section 4 read with 25 of Arms Act and Section 37(1) read with 137 of Maharashtra Police Act.
3. According to the prosecution, on the date of incident, which took place on 5 March 2023, dispute arose between the complainant/injured and the present applicant on account of some trivial issue. It is alleged that the present applicant and other co-accused got enraged and assaulted to the complainant as well as to his friend Vikrant by stick and sharp weapon.
4. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.

5. The learned counsel for the applicant submits that the present applicant was not present at the time of alleged incident. It is submitted that the complainant has admitted the said fact in his affidavit filed before the Sessions Court. It is submitted that even otherwise the incident is not premeditated. The applicant, therefore, be released on anticipatory bail.

6. On the other hand, the learned APP for the respondent/ State submits that the complainant has attributed specific overt-act to the present applicant. It is further submitted that the applicant is involved in six more crimes, *inter alia*, for the offence punishable under Section 307 of the IPC etc.. It is thus submitted that considering the nature of offence, the applicant may not be released on anticipatory bail.

7. I have perused the F.I.R. According to the complainant, the present applicant assaulted him by sharp weapon. The affidavit of complainant that the present applicant was not present at time of alleged incident, therefore, cannot be accepted. Considering overall facts and circumstances of the case and as the applicant is involved in six more crimes, I am not inclined to release the applicant on anticipatory bail. Hence, the Application stands rejected.

[N.R.BORKAR, J.]