

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.1355 OF 2023

Karan Kachru Phadke	... Applicant
V/s.	
The State of Maharashtra	... Respondent

**WITH
INTERIM APPLICATION NO.1812 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.1355 OF 2023**

Irfan Ibrahim Shaikh	... Applicant
<i>In the matter between</i>	
Karan Kachru Phadke	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Gaurav Parkar for the applicant.

Ms. Shaheen Kapadia i/by Ms. Vrushali L. Maindad for
the applicant in IA & Intervener.

Ms. Veera Shinde, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 23, 2023

P.C.:

1. Apprehending arrest of the applicant in connection with C.R. No.62 of 2023 for offences punishable under sections 324, 326, 341, 427, 307 and section 34 of the Indian Penal Code, 1860, the applicant is seeking relief under section 438 of the Criminal

Procedure Code, 1973.

2. According to the prosecution, while the informant was returning to his home on his brother's motorcycle, the accused persons followed him. The applicant was carrying iron rod. He assaulted the informant with iron rod with the result informant fell down. He again assaulted the informant on his wrist of right hand resulting into wrist fracture.

3. The applicant, therefore, filed an application under section 438 of the Criminal Procedure Code, 1973, which has been rejected by order dated 29th April 2023.

4. On perusal of the report and the material produced on record and hearing learned advocate for the informant, it prima facie appears that the applicant was carrying iron rod when he reached at the spot of incident. The assault has resulted in grievous injury. Weapon is yet to be recovered.

5. Considering the gravity and nature of accusation, the applicant is not entitled to relief under section 438 of the Criminal Procedure Code, 1973.

6. The anticipatory bail application is, therefore, rejected.

7. In view of disposal of anticipatory bail application, nothing remains to be adjudicated in the interim application. The same is disposed of.

(AMIT BORKAR, J.)