

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.1614 OF 2023

Santosh Chandrakant More	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Aadesh Konde Deshmukh for the applicant.

Ms. Rutuja Ambekar, APP for the respondent
No.1/State.

Mr. M.S. Navasare, API, Raigad Police Station, Pune is
present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 8, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.132 of 2023 registered with Rajgad Police Station, District Pune for offences punishable under sections 307, 324, 326, 341, 504, 506 read with section 34 of the Indian Penal Code, 1860, the applicant is seeking his pre-arrest bail.

2. The prosecution case, in short, is as under:

The report was lodged by one Laxman More. It was alleged that he and present accused are doing the business of supply of construction material and there is dispute between them on said ground. On 23rd March 2023 at about 06:30 p.m. while he and his wife were proceeding in his Tavera Car, the vehicle reached nearly

house of the Santosh. At that time, the applicant and his family members were standing by the side of the road. The applicant came in front of his vehicle and stopped his car. Santosh opened driver side door of the said vehicle and caught hold collar of the informant and pulled him outside. He abused and threatened the informant and started beating him. He pushed the informant in the ditch. The applicant lifted iron rod and gave blow on the knee of left leg of the informant, resulting into fracture to his knee of left leg. It is alleged that the applicant was giving blow of iron rod on the head of the informant with an intention to kill him but the informant obstructed the blow by his hand sustaining injury of his head. He, therefore, lodged FIR against the applicant.

3. The applicant, therefore, filed an application under section 438 of the Criminal Procedure Code, 1973 before the learned Sessions Court, which has been rejected by order dated 19th May 2023. Aggrieved thereby, the applicant has filed present anticipatory bail application.

4. Learned advocate for the applicant submitted that there was no intention to commit offence under section 307. The injury sustained as alleged is not on the vital part of the body. He has been falsely implicated due to business rivalry. There was cross FIR lodged by the applicant as the informant and his associates admitted to commit murder of his wife.

5. Learned APP objected to the grant of relief to the applicant on the ground that the material on the record indicates specific role attributed to the applicant. The prosecution's case is supported

by injury certificate, which shows that the informant suffered from fracture on his head.

6. Having considered the first information report and the case diary, prima facie they appear to be material on record to show that iron rod resulting in grievous injury. The injury certificate supports the case of assaulting to the informant by the applicant. Therefore, in my opinion, custodial interrogation is necessary to recover the iron rod.

7. Apart from said fact, considering the grievous allegations made against the applicant resulting into grievous injury, the applicant is not entitled to pre-arrest bail.

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

(AMIT BORKAR, J.)