

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.1652 OF 2023

Vinayak Shankar Dhobale	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Ramakant D. Patil for the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 14, 2023

P.C.:

1. The applicant has filed present application under section 438 of the Criminal Procedure Code, 1973 in connection with C.R. No.315 of 2023 registered with Khed Police Station, Pune for offences punishable under sections 324, 326, 504, 506 and section 34 of the Indian Penal Code, 1860.
2. According to prosecution, one Subhash Dhobale filed a report on 20th April 2023, alleging that at 08:00 a.m. when he was in his field, the applicant came there and on the ground of non-supply of water, abused him. When the informant asked the reason for abuse, he assaulted the informant with spade resulting in grievous injury to the head. The informant narrated the said incident to his brothers and others at their instance filed report.
3. The applicant filed an application under section 438 before

the learned Sessions Judge which has been rejected by order dated 29th May 2023. Aggrieved thereby, The applicant has filed present anticipatory bail application.

4. Learned advocate for the applicant submits that he has been falsely implicated. There are cross FIR regarding incident. The applicant never assaulted the informant. According to him, the informant was not admitted any hospital for a single serious injury. Therefore, the injury is not grievous.

5. Learned APP for the State placed on record injury certificate issued by the medical officer rural hospital Rajgurunagar, Khed, certifying injury of informant as grievous stating the injury caused by the sharp object on his head. He, therefore, submitted that custodial interrogation of the applicant is necessary.

6. Having perused the material on record and considering the prima facie allegation between the applicant and the nature of injury which amounts to grievous injury. On consideration of the definition, it is clear that disfigurement of head also amounts to grievous injury. Such injury need not be accompanied by hospitalization. Therefore, considering the role attributed to the applicant and the nature of offence, no case for relief under section 438 of the Criminal Procedure Code, 1973 is made out.

7. The anticipatory bail application is rejected.

(AMIT BORKAR, J.)