

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO. 1720 OF 2023

Shyam Ramulu Guvala	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. N. V. Sharma a/w Mr. Rachit Khamparia, for the Applicant.

Mrs. Veera Shinde, APP for the State-Respondent.

Mr. Bhapkar, PSI, Hadapsar police station, Pune.

CORAM : AMIT BORKAR, J.

DATED : JUNE 21, 2023

P.C.:

1. The applicant in connection with C.R.No.0581 of 2023 registered with Hadapsar police station for the offences punishable under Sections 323, 326, 452, 504, 506 r/w 34 of the Indian Penal Code (for short 'IPC').

2. According to the prosecution, the alleged incident took place on 15 April 2023 in the noon. The applicant got annoyed as the informant asked him to repair and drainage of his father's room, which caused damage to the informant's house. The applicant along with others entered into the house of the informant and rushed towards informant and his son Pranav, the applicant assaulted his son with dumbbell and beaten with hands on his mouth. Due to assault resulted into fracture to his nose. The informant intervene and pushed the applicant and others. The

applicant along with others filed application under Section 438 of the Code of Criminal Procedure before learned Sessions Judge. Learned Sessions Judge granted anticipatory bail to other accused, rejecting applicant's application.

3. Learned Advocate for the applicant submitted that on the same day, the applicant lodged None Cognizable (N.C.) report as regards same incident. The report lodged by the informant is on the next day, which is false. Therefore, custodial interrogation of the applicant is not necessary.

4. Learned APP submitted that the role attributed to the applicant is of assault by dumbbell causing fracture injury to nose. Therefore, custodial interrogation of the applicant is necessary.

5. On perusal of the report and the case diary, it appears that there is active role attributed to the applicant of assaulting informant's son with dumbbell on his shoulder; beating with hands on his mouth; causing fracture injury to his nose. Prima facie, act of applicant resulted in causing grievous injury to the informant's son. Therefore, prima facie case is made out against the applicant.

6. The anticipatory bail application is, therefore, rejected. No costs.

(AMIT BORKAR, J.)