

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.1823 OF 2023

Pandit Ravji Bhoye	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Rajat V. Dighe, for the Applicant.

Mr. P. H. Gaikwad, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JULY 3, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.105 of 2023 registered with Harsul police station for the offences punishable under Sections 326, 323, 324, 504 and 506 of the Indian Penal Code, 1860 (for short 'IPC'), the applicant is seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.').

2. According to prosecution, informant is Ex-Sarpanch of Alivmal, Village-Mulvad, Post Ozarkhed, Tal Tryambakeshwar, District Nashik. The informant lodged complaint to CEO of Jilha Parishad complaining of deteriorated quality of road. Based on such complaint, a news was published in Newspaper. On 16 May 2023 at about 6:00 pm, the applicant stopped informant on road and abused him. The applicant assaulted informant with wooden log resulting into injury on hand, knee, arm above elbow and below the ear. Therefore, the informant lodged report.

3. Applicant, therefore, filed application under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected by order dated 16 June 2023. Aggrieved thereby, the applicant has filed application under Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C.).

4. On perusal of injury certificate, it appears that the victim has suffered grievous injury. The medico legal certificate dated 25 May 2023, prima facie indicates grievous injuries on hand along with other body parts. The informant has named the eye-witnesses in his report. Therefore, there is no possibility of false prosecution of the applicant. Considering the role played by the applicant supported by material on record, custodial interrogation of the applicant is necessary. The anticipatory bail application is, therefore, rejected. No costs.

(AMIT BORKAR, J.)