

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

ANTICIPATORY BAIL APPLICATION NO.1829 OF 2023

Sachin Jaybhim Gaikwad

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. H.S. Shinde for the Applicant.

Ms A.A. Takalkar, APP for the Respondent -State.

Mr. Vishal M. Dendage, API, Fauzdar Chawdi Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 3rd JULY, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No.742 of 2022 registered with Fouzdar Chawdi Police Station, Solapur, for the offences punishable under Sections 326, 504 and 506 r/w 34 of the IPC.

2. Heard Mr. Shinde, learned counsel for the Applicant and Ms A.A. Takalkar, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The facts narrated in the FIR prima facie reveal that on 30/12/2022 at about 3.20 p.m. while the First Informant was sitting in front of a Mayura Lodge, the Applicant and the co-accused-Ritesh Gaikwad came to the spot armed with iron pipe and that they abused and assaulted him. It is stated that said Ritesh hit a fiber table on his head whereas the Applicant inflicted blows of iron pipe on his head. The First Informant has stated that he tried to avoid the blow and in the process he sustained injury on the left elbow. He claims that even after he fell down, the Applicant inflicted blows of iron pipe on his legs. He has stated that he has sustained grievous injuries as a result of the assault. The medical certificate prima facie reveals that the First Informant had suffered fracture on his left forearm as well as left foreleg.

4. Learned counsel for the Applicant submits that by order dated 18/04/2023 in Anticipatory Bail Application No.1117 of 2023 this Court has granted interim bail to the co-accused. The co-accused was granted bail since he was not involved in inflicting serious injuries on the First Informant. Whereas, the material on record prima facie indicate that the Applicant was involved in assaulting the First

Informant and in causing grievous injuries. Hence order dated 18/04/2023 would not assist the Applicant in getting pre-arrest bail on the ground of parity. The investigation is at preliminary stage. Learned APP has also placed on record a chart indicating that four other crimes are registered against the Applicant for committing offences of serious nature.

5. Considering the nature of accusations as well as the material in support thereof and the criminal antecedents, I am not inclined to exercise the discretion under Section 438 of Cr.P.C. in favour of the Applicant. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)