

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO. 1979 OF 2023

Dnyandev @ Dnyaneshwar Tukaram
Doifode

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Sarvesh K. Dixit & Sabre Alam i/by Mr. Jaiswar
Arvind Kumar, for the Applicant.

Mrs. Rutuja Ambekar, APP for the State-Respondent.

Mr. S. S. Shete, PSI, Manchar police station.

CORAM : AMIT BORKAR, J.

DATED : JULY 17, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.120 of 2023 registered with Manchar police station for offences punishable under Sections 307, 143, 147, 148, 149, 323, 504, 506 r/w 34 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, the informant lodged report alleging that he was residing at Manchar along with two daughters and care taker Ujwala Thavare. He went at Ahamednagar Court for attending his divorce petition and returned on 31 March 2023 at about 3:00 pm. At that time, he saw his wife along with her parents, brother and two unknown persons were standing in front

of his flat. They started abusing and assaulting him on account that they want to meet the children. The brother of his wife assaulted him by means of knife and his head, back, face and others gave fist and kicks blows. Thereafter, said Ujwala and his neighbors admitted the informant at hospital. Therefore, the report lodged against the applicant.

3. The applicant, therefore, filed application under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected by order dated 28 April 2023. Aggrieved thereby, the applicant has filed the present anticipatory bail application.

4. On perusal of the material on record including case diary, it appears that the alleged incident took place on 31 March 2023. The medico legal (injury certificate) dated 31 March 2023, in addition to other six injuries, indicate grievous injury mentioned at serial No.8 on the certificate. Since, the role attributed to the applicant in supplementary statement dated 2 April 2023 corresponds with the medical report dated 31 March 2023, prima facie, it appears that the assault by applicant resulted in grievous injury to the informant. Therefore, the applicant is not entitled to relief under Section 438 of Cr.P.C.

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

(AMIT BORKAR, J.)