



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2810 OF 2023

Sujit Trimbak Patil

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Gaurav Parkar, for the Applicant

Mr. M. G. Patil, APP for the Respondent/State.

Mr. Rahul Arote, for Respondent No.2.

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 9, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This is an application for pre-arrest bail in connection with C.R. No.0321 of 2023, registered with Kharghar Police Station for the offences punishable under Sections 307 and 504 of the Indian Penal Code, 1860 ("the Penal Code").

3. The first informant deals in the business brick-klin. The applicant also deals in the same business. The applicant had allegedly borrowed money from the first informant. The first informant was pursuing the applicant for repayment of the said amount.

4. On 10th September 2023, the applicant allegedly called the first informant near Nirmaya Hospital, Sector-4, Kharghar. When the first informant demanded the repayment of the amount. The applicant allegedly abused the first informant. Altercation ensued. The applicant whipped out a cutter like sharp object and gave blows on the first informant's neck and the left bicep. The first informant sustained bleeding injuries.

5. The learned counsel for the applicant submitted that in respect of the very same occurrence, the applicant had lodged a report vide C.R. No.323 of 2023 registered with Kharghar Police Station for the offences punishable under Sections 323, 324 and 504 of the Indian Penal Code, 1860 ("the Penal Code"). Thus, there were cross FIRs in respect of one and the same occurrence. The custodial interrogation of the applicant is not warranted to facilitate further investigation. Therefore, the applicant deserves exercise of discretion.

6. The learned APP resisted the application. It was submitted that the first informant has sustained life threatening injury on the neck. He was an indoor patient from 12th September, 2023 to 27th September, 2023. Attention of the Court was invited to the discharge summary issued by Apollo Hospital and Walilkar Multi-Speciality Hospital.

7. It is true in respect of one and the same occurrence, the first informant and applicant have reported two versions. However, it is pertinent to note that in the first information report lodged by the applicant also, the fact that the first informant in the instant case suffered injuries by means of sharp weapon is stated. The applicant undoubtedly alleges that the first informant Hemant Patil was armed with a wooden stick and sharp edged weapon. The injuries on the person of the first informant, however, show that he had suffered a cut on the neck by a sharp edged weapon. *Prima facie*, the injury on the neck appeared to be life threatening.

8. The first informant has specifically alleged that the applicant had whipped out a cutter like sharp edged weapon and unleashed blows. In the face of such allegations which *prima facie* find support in the injury certificate and the fact that the first informant was an indoor patient till 27th September 2023, it would be audacious to draw an inference that the offence punishable under Section 307 of the Penal Code is not *prima facie* made out.

9. Having regard to the gravity of the offence, the custodial interrogation of the applicant seems to be warranted. Exercise of the discretion in favour of the applicant, in the face of material on record, would jeopardize complete and effective investigation and the interest of the victim.

10. I am, therefore, not inclined to exercise the discretion in favour of the applicant.

11. Hence, the following order :-

ORDER

i] The application stands rejected.

iii] It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

(N. J. JAMADAR, J.)