

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3353 OF 2022**

Tushar Subhash Jambhale

...Applicant

Versus

The State of Maharashtra and anr.

...Respondents

.....

Mr. Suyash Khose for the Applicant.

Ms Rutuja Ambekar, APP for the State.

Mr. Milind Deshmukh for Respondent No. 2.

.....

CORAM : N.R. BORKAR, J.

DATED : 31 JANUARY 2023

P.C. :-

This is an application under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 727 of 2022 registered at Shirur Police Station, Pune for the offences punishable under Sections 307, 504, 506 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State and the learned counsel for the respondent No. 2.

4. According to the prosecution, on the date of incident which took place on 5 November 2022, while the injured was playing cricket near his

house with other boys from his locality, the applicant came there and told him not to play cricket there as while playing cricket, he had caused damage to his vehicle and started abusing him. It is alleged that when the injured told him not to abuse him as he had not caused any damage to his vehicle, according to the prosecution, the applicant got annoyed, he went inside his house, brought axe and then assaulted the injured by the said axe on his head.

5. CT Scan report of the injured reads thus:

“Extradural hemorrhage with associated component of subdural hemorrhage in left parietal region extending to the left temporal region.

Linear fracture extending from the left parietal to temporal bone.

(As compared to previous scan marginal reduction of the extradural component and scalp swelling is noted).”

6. Considering the fact that the applicant assaulted the injured by axe and that too on his head, I am not inclined to release him on anticipatory bail.

7. Application is rejected.

(N.R. BORKAR, J.)