

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

ANTICIPATORY BAIL APPLICATION NO. 205 OF 2024

Santosh Kerdev Mandalik

..Applicant

Versus

State of Maharashtra

..Respondent

Mr. Vishal Laxman Kolekar i/b. Rajabhau S. Chaudhari for
Applicant.

Smt. M. H. Mhatre, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 24 JANUARY 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.13 of 2024 registered at Samata Nagar Police Station, Mumbai, under Sections 326, 323, 504 and 506 of the Indian Penal Code.

2. Heard Mr. Vishal Kolekar, learned counsel for the applicant and Smt. Mhatre, learned APP for the State.

3. The F.I.R. is lodged by one Anand Kamble who was working with B.E.S.T. as driver. The incident occurred on

08.01.2024 at about 12.30p.m. when he was returning home in his car after picking up his son. Near Mahindra Yellow gate, Kandivli one rickshaw driver came dangerously close to him, therefore, he scolded the rickshaw driver. The rickshaw driver got down, abused and assaulted the informant. The informant noted the rickshaw number as MH47-AX-5559. Thereafter the rickshaw driver went away. The informant was returning home in his car. The rickshaw driver, who according to the investigating agency was the present applicant, was standing on the road. He stopped the informant. He told him that his name was Santosh Mandalik. He threatened and assaulted the informant. The applicant removed an iron rod kept in the rickshaw and gave a blow on the informant's left hand. Thereafter the informant went for medical treatment and then lodged the F.I.R.

4. Learned counsel for the applicant submitted that the iron rod is now recovered and the applicant's custodial interrogation is not necessary.

5. Learned APP produced the investigation papers before

me which included the medical certificate. She opposed the grant of anticipatory bail to the applicant.

6. I have considered these submissions. The injury certificate mentions 5th proximal inter-phalangeal joint dislocation and the injury was described as grievous. The applicant has caused grievous injury on the finger of the informant. It was a pre-planned attack. The first incident was already over and the applicant waited for the informant to return home. On the way he was intercepted and with premeditation the applicant brought an iron rod and assaulted the informant causing grievous injury. Therefore, considering the gravity of the offence and pre-planned attack, no case for grant of anticipatory bail order is made out.

7. The application is rejected.

(SARANG V. KOTWAL, J.)