

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

ANTICIPATORY BAIL APPLICATION NO. 867 OF 2024

Pragati Naresh Nivalkar @

Pragati Swapnil Pedamkar

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Rahul Arote for Applicant.

Mr. C. D. Mali, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 2 APRIL 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.586 of 2023 registered at Panvel city Police Station, Navi Mumbai, on 26.10.2023, under Sections 324 and 504 of the Indian Penal Code. Subsequently, Section 307 of the I.P.C. is also applied.

2. Heard Mr. Rahul Arote, learned counsel for the applicant and Mr. Mali, learned APP for the State.

3. The F.I.R. is lodged by the husband of the applicant. He has stated that, he had got married with the applicant on

25.06.2020. After their marriage, they were residing at Kanjurmarg. There used to be frequent quarrels between them. The applicant deserted him and started residing with her parents. In December 2020, she filed the proceedings in the court at Panvel for maintenance. She also lodged C.R.No.94 of 2022 at Nhavasheva police station, under section 498-A of the I.P.C. The informant, on the other hand, had initiated proceedings for divorce in the Court at Khed, Ratnagiri.

4. On 26.10.2023, the informant had come to the Court at Panvel in connection with the case arising out of the offence U/s.498-A of the I.P.C. against him. The applicant was also present in the Court. After the Court work was over, the applicant insisted that the informant should take her with him on his motorcycle. The informant refused, but the others convinced him to take her with him. Therefore, the informant took her towards Palaspe gaon. At about 12.30p.m. when they had reached near Palaspe gaon, the applicant started quarreling with the informant and started beating on his helmet. The informant called his lawyer. He advised him to go to Panvel city police station. Therefore, the informant took U

turn and started going towards Panvel. The applicant removed a knife and gave a blow on the right side of his throat causing bleeding injury. The informant then drove his two wheeler to a hospital at Panvel. He took first aid there and then went to the hospital at Vashi. After that this F.I.R. is lodged. He has stated that, during that period, his wife was with him.

5. Learned counsel for the applicant submitted that the description in the F.I.R. is not correct. The informant was driving his vehicle too fast. The applicant was worried. She asked him to slow down, but he did not listen to her. Learned counsel submitted that the applicant is a Nurse. She had to attend his duties at odd hours and, therefore, she was carrying a knife for her defence. She removed that knife and just used it to stop the informant. She had no intention of causing grievous injury. In this background the applicant be protected U/s.438 of the Cr.p.c.

6. Learned APP opposed these submissions. He relied on the narration in the F.I.R. Learned counsel further submitted that the applicant herself took the informant to the hospital. He fairly invited my attention to the medical certificate.

7. I have considered these submissions. At this stage, there is no reason to disbelieve the narration in the F.I.R., particularly, in the backdrop of the injuries suffered by the informant. The medical certificate shows that, there was incised wound on the anterior aspect of neck measuring 4cm x 1cm x 1cm. The injury needed suturing in layers. Thus, it can be seen that the injury was quite serious on the vital and delicate part; which required suturing. The length of the injury was 4cm. The depth was 1cm. The applicant was a nurse. She knew the consequences of her act. Considering the gravity of the offence and the deliberate act of the applicant causing this injury on the vital part, protection U/s.438 of the Cr.p.c. cannot be granted to her.

8. The application is rejected.

9. It is made clear that, if the applicant prefers an application for regular bail, it shall be decided in accordance with law; independent of rejection of this anticipatory bail application.

(SARANG V. KOTWAL, J.)