

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL BAIL APPLICATION NO.4518 OF 2024.**

Akshay Anil Pawar

...Applicant.

**Versus**

State of Maharashtra

...Respondent.

*Mr. Shantanu Adkar for Applicant.*

*Ms. S. G. Talhar, APP for Respondent-State.*

*Mr. Ajit Patil, PSI, Police Station – Rajgadh, Pune Rural.*

**Coram : Sharmila U. Deshmukh, J.**

**Date : November 25, 2024.**

**P. C. :**

1. By this Application, the Applicant seeks regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with CR No.455 of 2024 registered with Rajgadh Police Station, Pune Rural for offences punishable under Sections 49, 352, 351(3), 351(2), 3(5), 118(2), 115(2), and 109 of the Bharatiya Nyaya Sanhita, 2023 [for short, "***the BNS, 2023***"].

2. The case of the prosecution is that on 25<sup>th</sup> September, 2024 when the informant was at his hotel, at around 8.30 p.m., the Applicant along with his wife and one friend Gaurav More came to the hotel and assaulted the informant on the head with a half-filled glass liquor bottle which was kept on the counter and after he fell down, assaulted the informant with fists and kicks.

3. Learned counsel for Applicant would tender the injury certificate and submits that there are no grievous injuries. He would further submit that the injury certificate does not support the case of prosecution.
4. The injury certificate by Sub-District Hospital, Bhore, District – Pune shows seven injuries out of which four are simple injuries and three are shown as grievous injuries being nasal bleed, bleeding from elbow joint, blunt trauma to chest, small CLA to lower lip.
5. Learned APP would submit that the chargesheet is yet to be filed and the investigation is in progress. She would however, concede that the Applicant has no criminal antecedents but there are three N.C. filed against the Applicant.
6. *Prima facie*, upon considering the injury certificate and the allegations in the First Information Report [for short, “*the FIR*”], there is no grievous injury caused due to assault by glass bottle on the head of the informant. *Prima facie*, the injury certificate does not indicate any grievous injury as contemplated by Section 116 of the BNS, 2023. It appears from the allegations in the FIR that the incident had taken place in the heat of the moment and there was no premeditation. The allegations in the FIR as regards assault on head by glass bottle kept on the counter when read with the injury certificate does not *prima facie* support the case of offence under Section 109 or under Section 118 of

the BNS, 2023. The same will, however, be a matter of trial. The Applicant is in custody since 26<sup>th</sup> September, 2024 and the final report is yet to be filed. However, there is no need for custodial interrogation.

7. *Prima facie*, upon perusal of the FIR and the injury certificate which are on record case for grant of bail is made out. The Applicant has no criminal antecedents and no likelihood of commission of further offence is made out. There is no apprehension of any threat to the informant or to the witnesses which would create any obstacles in the investigation.

8. Considering the above, the Application is allowed on the following conditions:-

- i. The Applicant be released on bail upon furnishing PR bond of Rs.15,000/- with one or two sureties in like amount.
- ii. The Applicant to attend the Police Station as and when called upon.
- iii. Till the filing of the final report, the Applicant shall not visit the hotel, i.e. Amruta Garden where the alleged incident has taken place.
- iv. The Applicant shall not contact the Informant or any of the witnesses or offer any threats or tamper with the evidence.

**[Sharmila U. Deshmukh, J.]**