

Nikita

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

ANTICIPATORY BAIL APPLICATION NO.1777 OF 2024

Aakash Jaysing Pawar

... Applicants

V/s.

The State of Maharashtra

... Respondent

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Mr. Prashant Hugare for the Applicant.

Mr. Kiran Shinde, APP for the State.

Mr. Narayan Valekar, PSI, Yavat Police Station, Pune,
(Rural).**CORAM : MANISH PITALE, J.****DATED : 10th JULY, 2024.****P.C.:**

1. Heard Mr. Prashant Hugare for the Applicant, and Mr. Kiran Shinde, learned APP for the State.
2. In the present case, the applicant is one of the accused among six co-accused persons and he is apprehending arrest in connection with C.R.No.515 of 2024 dated 18th May 2024 registered at Yavat Police Station, District Pune for offences punishable under Sections 308, 324, 323, 143, 147, 149, 504 and 506 of the IPC.
3. Learned counsel for the applicant at the outset submits that all the other accused persons have been granted anticipatory bail. He further submits that except the offence punishable under Section 308 of the IPC, all other offences are bailable. He further

submits that the wooden log allegedly used by the applicant to assault the victims was recovered from the spot, and therefore, there is no requirement of the custody of the applicant.

4. A perusal of the statement of the informant leading to registration of the FIR reveals that specific overt act is alleged against the applicant, which is of having used a wooden log to assault his mother in law and sister in law and that the victims suffered injuries.

5. Learned APP has produced copy of the injury certificate for perusal of this Court. It shows that the mother in law of the applicant suffered injuries on her face, her neck and that the Medical Officer recommended CT scan of the brain. This prima facie confirms the intensity of the assault and the fact that the wooden log was used during the course of the incident.

6. The fact that other co-accused persons have been granted anticipatory bail cannot come to the aid of the applicant for the reason that in the incident in question, all the accused were stated to be present but the overt act is attributed only to the applicant. The recovery of the wooden log from the place of the incident cannot make benefit to the applicant for the reason that while considering such an application for anticipatory bail, the Court is required to consider the role attributed to the applicant. There is no substance in the contention raised on behalf of the applicant that even the statement of the informant is accepted as it is, no case is made out for the offence under Section 308 of the IPC. This Court is of the opinion that prima facie the ingredients of the said

offence are made out against the applicant.

7. Hence, no case is made out for granting anticipatory bail.
8. The anticipatory bail application is dismissed.

(MANISH PITALE, J.)