

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.853 OF 2015

Santosh Dattatraya Waghmare	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Shriram Chaudhari, for the Applicant.
Ms. Veera Shinde, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 01, 2015**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is apprehending arrest in C.R. No. 57 of 2015 registered with Akulj police station, Solapur for the offences punishable under Sections 326, 324, 452, 143, 147, 148 and 149 of the Indian Penal Code.

2. One Prakash Pawar gave information. He is working as a painter. He had some dispute with one Sargar family and that family want that he should not enter the Yashwant Nagar area. However, he

got a work in Yashwant Nagar area and he went for his work on 2nd April, 2015. On that day when he was busy in his work at about 3.00 pm Sargar family i.e. the applicant/accused and co-accused along with other four persons surrounded him and questioned him that why he entered Yashwant Nagar area. One of the accused was holding sickle. He assaulted him. The applicant/accused was holding iron rod and he assaulted him on his shoulder and head. Other accused were holding sticks they also gave blows. Due to the blows given by the applicant/accused on his mouth, he lost his two teeth. Thereafter, he filed complaint in the police station.

3. The learned counsel for the applicant/accused has submitted that the applicant is innocent. The police have recovered a weapon from him. His custodial interrogation is not required. There is discrepancy in the nature of weapon recovered and the weapon he was holding. Hence, he prays for pre arrest bail.

4. The learned prosecutor opposed the application. He pointed out that the role of the applicant/accused is very specific. The complainant was in the hospital for 15 days.

5. Perused the first information report. The applicant/accused and co-accused were armed with deadly weapons. They surrounded the complainant. A specific role is attributed to the applicant/accused. The teeth of the complainant were broken because of the blow given by the applicant. The offence is registered under Section 326 of the Indian Penal Code. Therefore, I am of the view that this is not a case to grant pre arrest bail.

6. Hence, rejected.

(MRS.MRIDULA BHATKAR, J.)