

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 161 OF 2015

Shivaji Dadaram Zagade

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Rahul Kate for Applicant

Ms. APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : FEBRUARY 4, 2015

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 415 of 2014 registered at Baramati Taluka Police Station for offence punishable under section 307, 323, 143, 147, 148, 149, 504 & 506 of Indian Penal Code.

2) It is the case of prosecution that on 30/12/2014, Nanaso Zagade lodged a report at police station alleging therein that his father Bapurao Zagade had been to the milk collection centre in the village on 30/12/2014 at about 9.00 am to supply the milk. At that time, present applicant had approached his father. He had pushed him and made him fall on the ground and started abusing him and assaulting him with hockey stick on his right leg. Other accused had also mounted assault upon his father at the instance of present

ism

applicant. It is alleged that applicant was aggrieved by the denial of support of Bapurao Zagade in the Grampanchayat elections which were held one year ago. The injured was taken to the hospital. He had sustained three fractures i.e. fracture on the right ulna, fracture at tibia mid shaft and at post aspect of right 12th rib.

3) Learned counsel for the applicant submits that three accused have been protected by way of grant of pre-arrest bail, however, that was in consideration of act attributed to them.

4) Taking into consideration the role attributed to the present applicant, this Court is not inclined to grant discretionary relief in the form of pre-arrest bail. In the facts and circumstances of the case, applicant does not deserve pre-arrest bail.

ORDER

- (i) Application, being sans merits, is rejected.
- (ii) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)