

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

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ANTICIPATORY BAIL APPLICATION NO.167 OF 2015

Dilip Suryakant Mane	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

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Mr.Prakash Naik i/b. Mr.Ganesh Bhujbal, Advoate for the Applicant.
Mrs.Rutuja Ambekar, A.P.P. for Respondent – State.
PSI N.V. Patil, Manpada Police Station, Thane City, present.
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CORAM : REVATI MOHITE DERE, J.

DATED : FEBRUARY 18, 2015.

P.C. :

Heard the learned counsel for the Applicant and the
learned A.P.P. for the Respondent – State of Maharashtra.

2 By this application, the applicant seeks pre-arrest bail
in connection with CRNo.I-618 of 2014, registered with the Manpada
Police Station, Dombivali, Thane, for the alleged offences punishable
under Sections 147, 148, 149, 326, 325, 427 read with Section 34 of
the Indian Penal Code (IPC).

3 According to the prosecution, on 12th December, 2014 at about 11.00 p.m. the complainant Mr.Pushpak Subhash Bhalerao, Jayesh shut down his beer shop, after which Jayesh and the complainant left for their home in a Maruti Suzuki Car, bearing No.MH-05-BL-0690. Their friend, Swapneel Phalke followed them on his motorcycle. At about 11.30 p.m. when the complainant reached the Mawooli Hall, Kalyan – Dombivali Road, Jayesh Joshi slowed down the speed and stopped the car because of the speed breaker. It is alleged that suddenly a motor cycle following their car dashed their car and hence Jayesh Joshi moved his car to the side of the road. The complainant is alleged to have asked the motor cyclist to take his motorbike to the side of the road. Around the same time, one Santro Car which was following the motor cycle suddenly stopped there. In the meanwhile, the complainant's friend Swapneel also reached the spot. Thereafter, the complainant and Jayesh Joshi alighted from the car and confronted the motor cyclist as to why he had dashed their car. It is alleged that at that time, two persons armed with iron rods in their hands alighted from the Santro car, and started assaulting the complainant as well as his friend on their feet, back and hands. The motorcyclist and the person accompanying him, are also alleged to have removed iron rods from the Santro Car and all of them started assaulting the complainant and his friend. Thereafter, the members of

the public gathered at the place of incident, after which, all the four unknown assailants ran away from the spot in their Santro car. Accordingly, the First Information Report was lodged as against four unknown persons. It appears that during investigation, it transpired that the present applicant had instructed the original accused no.1 – Kishor Dhangar to assault the complainant.

4 The learned counsel for the applicant contended that the present applicant was not the person present on the spot, nor has he any role to play in the incident. He submitted that there was no motive for the applicant to assault the complainant and his friend. According to him, it was an accident, as is evident from the complainants statement and therefore, no criminal liability can be fastened on the applicant.

5 The learned A.P.P. opposed the said application. She contended that during investigation it has transpired, that it was at the behest of the applicant that the present incident had taken place. She contended that there are call log records in support of the same. She also pointed out the criminal antecedents of the applicant. According to her, twelve cases are registered as against the present applicant. The learned counsel for the applicant states that out of the twelve

cases, the applicant has been acquitted in eight cases and that only three cases are pending.

6 Perused the papers of the investigation. It appears that the applicant had motive to assault and it is at his behest that the alleged assault had taken place. In the facts, custodial interrogation of the applicant is necessary. Considering the material on record and the antecedents of the applicant, the applicant is not entitled to pre-arrest bail.

7 Accordingly, the application is rejected and disposed of.

8 Needless to state, that the observations herein, are only *prima facie*, for the purpose of deciding this application.

(REVATI MOHITE DERE, J.)