

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

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CRIMINAL APPICATION NO.169 OF 2015

Dhanraj Dholaram Chaudhary	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

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Mr.Pankaj J. Das, Advocate for the Applicant.
Mrs.Rutuja Ambekar, A.P.P. for Respondent – State.
Mr.N.V. Patil, PSI, Manpada Police Station, 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 C.R.No.I-618 of 2014, registered with the Manpada
Police Station, Dombivali, District – Thane, for the alleged offences
punishable under Sections 147, 148, 149, 325, 326, 427 of the Indian
Penal Code and under Section 184 of the Motor Vehicle Act.

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.

4 According to the learned counsel for the applicant the applicant was only driving the Santro Car and had not taken any part in the alleged assault on the complainant and his friend. The learned A.P.P. opposed the said application. She contended that the fact the applicant was driving the Santro car, in which the assailants came, got down, and after assaulting the complainant and his friend with iron pipes ran away from the place, in the car, clearly shows the complicity of the present applicant.

5 Perused the papers of investigation. Considering the fact, that the applicant was driving the car and was present at the time when the assault took place and absconded thereafter along with the co-accused, *prima facie* shows the complicity of the applicant. Sections 147 and 149 are *prima facie* attracted to the facts of the present case. Under these circumstances, the applicant's custodial interrogation is necessary. No case is made out for grant of bail.

6 Accordingly the application is rejected and disposed of.

7 Needless to say that, the observations herein are only
prima facie, for the purpose of deciding the applicant's application for
anticipatory bail.

(REVATI MOHITE DERE, J.)