

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.493 OF 2015

Nitin Ankush Metkari

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.V.B. Shivarkar for the Applicant

Mr.Arfa Sait, APP, for Respondent – State

Mr.K.M. Palwe, PSI / Investigating Officer, Dattawadi police station –
present

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: MARCH 23, 2015

P.C.:

1. This application is moved for bail, as the applicant/accused was arrested on 3.10.2014 for the offence of assault committed by him on 9.9.2014 at the early hours i.e., 00.30 hrs on 9.9.2014. The offence was registered at C.R. No.384 of 2014 with the Dattawadi police station, Pune. He is facing charges for the offences punishable under sections 307, 323, 504 r/w 34 of the Indian Penal Code and under section 37(1) r/w 135 of the Mumbai Police Act. It is the case of the prosecution that the applicant/accused was holding grudge against the injured and, therefore, he stopped him at night and threatened him that he would settle the score. He alongwith three others abused; took out a sickle and mounted assault with the sickle on the head of the injured. The associates of the

applicant/accused also assaulted him with kicks and fist blows and thereafter they ran away.

2. The learned Counsel for the applicant/accused has submitted that the name of the applicant/accused is Nitin Netake everywhere. However, his name is Nitin @ Metya Ankush Metkari. He submitted that he is not the same person whose name is appearing in the FIR. He further submitted that he is falsely implicated in the offence as the police from Dattawadi police station have grudge against him. He submitted that the applicant/accused is innocent and prays for bail.

3. The learned Prosecutor has opposed the application and produced a list of the offences which are to the credit of the applicant/accused. It is submitted that the other two co-accused namely one Prakash Birajdar and Avinash Pawar are not traceable.

4. Perused the FIR and the statements of the other witnesses. The informant specifically has mentioned that he was injured initially and attacked by the applicant/accused with a sickle on his head. The medical certificate discloses a fracture of a frontal bone of the skull of the complainant. The submissions of the learned Counsel that he is Nitin @ Metya Ankush Metkari and if at all, the police from Dattawadi police station

have registered many offences against him, then why is there a confusion in respect of the surname of the applicant, cannot be appreciated at this stage as the applicant/accused was very well known to the injured. The name of the father Ankush is the same.

5. In this view of the matter and considering the role attributed to the applicant/accused, the Bail Application is rejected.

(MRS.MRIDULA BHATKAR, J.)