

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
ANTICIPATORY BAIL APPLICATION NO.553 OF 2015

Subhash @ Babu Appa Kale Applicant
Vs.
The State of Maharashtra Respondent

Mr. Rupesh Zade for the Applicant.
Mr. Arfan Sait, APP, for the Respondent-
State.

CORAM: REVATI MOHITE DERE, J.

DATED: APRIL 20, 2015

P.C:

Not on board. Taken up on board.

2. Heard the learned counsel for the
applicant.

3. By this application, the applicant
seeks pre-arrest bail in connection with C.R.
No.33 of 2014, registered with the Bhigwan

Police Station, District Pune, for the alleged offences punishable under Sections 326, 323, 324, 504 and 506 r/s Section 34 of the IPC.

4. The incident in question has taken place on 3-3-3015, at about 8:00 a.m.. According to the prosecution, the present applicant along with three others assaulted the injured Dyandeo Shinde with a wooden stick and with fist and kick blows. Thereafter, the accused are stated to have picked up a piece of brick and assaulted the injured.

5. Learned counsel for the applicant states that there is no overt act attributed to the applicant by the complainant and that there is an omnibus statement, that all the accused assaulted the injured.

6. The learned APP opposes the

application.

7. Perused the papers and, more particularly, the statement of the injured and the injury certificate. It appears that a specific overt act has been attributed to the applicant and the injury certificate supports the same. In addition, the applicant has an antecedent, in as much as, there a C.R. which was registered as against the applicant for a similar offence punishable under Section 307, etc., of the IPC.

8. Considering the nature of allegations, the custodial interrogation of the applicant is necessary. Hence, the application is rejected.

9. If the applicant applies for regular bail, the learned Sessions Judge shall consider the same on its own merits, uninfluenced by the

sjs

P5-ABA-553.2015

observations made in the present order, which
are prima facie in nature.

(REVATI MOHITE DERE, J.)