

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO.705 OF 2015**

Mr. Vishwas Aatmaram Kathara & Ors.

..Applicants.

versus

The State of Maharashtra

..Respondent.

.....

Mr. Nilesh V. Masurkar for the Applicants.

Smt. A.A. Mane, Addl. P.P. for the State.

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CORAM : A.S. GADKARI, J.
(VACATION COURT)**21st May 2015.****P.C. :**

This is an Application for Anticipatory bail preferred by the Applicants under section 438 of the Criminal Procedure Code under the apprehension of arrest in C.R. No.I-36 of 2015 of 16.03.2015 registered at Khandeshwar Police Station for the offences punishable under Sections 143, 144, 147, 148, 149, 326, 324, 427, 504, 506 r/w. 34 of the I.P.C. and under Section 37(1) and 135 of the Bombay Police Act.

A bare perusal of the First Information Report by Motiram Kathara the complainant would reveal that it specifically assigns the role to the applicants and the weapons in their hands. It is categorically mentioned that the Applicant No.1 gave a blow with wooden log on the head of the injured witness Shreepad kathara. Applicant No.2 Sanjay Narayan Patil gave a blow with wooden log on the body of witness Sanjay Gunjale. As far as Applicant No.4 is concerned, the complainant has specifically stated that he gave blow of wooden log on the leg of witness Sagar Kharat. The First

Information Report further discloses that the Applicants by gathering the unlawful assembly with other co-accused in 3 consecutive incidents in the area damaged the properties of victims apart from causing the aforesaid acts of serious injuries to the victims. The learned Trial Court after taking into consideration the various aspects of the matter was pleased to release some of the accused persons on anticipatory bail and has rejected the application of the present applicants.

I have perused the entire record which is available before me. In my considered opinion, the custody of the applicants is necessary for the purpose of investigation and for the purpose of recovery of weapons used in the crime. I am of the further view that no case of grant of anticipatory bail is made out and the application is dismissed.

(A.S. Gadkari, J.)