

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 766 OF 2015

Mr. Rajkumar Bhanwarlal Sharma ... Applicant
vs.
1. The State of Maharashtra)
2. The Senior Inspector of Police.).. Respondents

Mr. Rajendra Salvi i/b. Mr. Navnath V. Tambde, Advocate, for the applicant.
Ms. Rutaja Ambekar, APP, for the State

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 12th August, 2015.

P.C.

Heard. This is an application under Section 438 of Cr.P.C.
The applicant herein is apprehending his arrest in Crime No.215 of 2015 registered at Vashi Police Station for the offences punishable under Sections 353, 332, 333, 324, 141, 142, 143, 147, 148 and 149 of Indian Penal Code.

2. It is the case of the prosecution that on 10.5.2015, Kishor Pawar working as a Police Naik lodged a report at the police station alleging therein that on 10.5.2015 at 9 a.m., he had taken charge of his duty. He was patrolling on the road. When he was passing through Vashi Fire Brigade, he suddenly noticed that a car was speedily heading from the opposite direction. He had accosted the said car and was asking the driver

to show licence and other documents. At that time, the unlawful assembly had gathered on the spot. One of the members had attacked the police on his right eye with an weapon causing serious injuries. His companion P.C Patil was also injured. All the persons had fled away from the spot. The complainant has alleged that there was interference and he was obstructed in discharging his official duties. The car which was moving in suspicious circumstances at high speed was intercepted at Sector 11. When the police were examining the documents of the first car, another car had followed the first car. The said car had stopped. The said car was also intercepted by the police. The driver of the second car had given a dash to a vehicle which was stationery and then the persons from both the cars had alighted and had assaulted the police. The inmates of both the cars were known to each other. That in order to obstruct the police from examining the first car, the people from the second car had alighted and assaulted the police. It is common knowledge that despite the efforts being taken by the police to avoid accident, the citizens are not co-operating with the police. There are road accidents. That the citizens are interfering with the duties of police and do not allow them to discharge their official duties. That the police constable on duty was assaulted. Hence, the applicant, who was in the second car, does not deserve grant of pre-arrest bail. All other accused who

have been arrested have been enlarged on bail.

3. The learned counsel for the applicant submits that in fact the police have tried to save their skin. According to the learned counsel for the applicant, the applicant herein ad sustained injuries. He is relying upon a certificate issued by the Asian Institute of Medical Sciences which is situated at Dombivali. The learned counsel submits that it was a car accident in which the applicant had sustained injuries and the police have falsely implicated him. According to the learned counsel, it was the fault of the police that they had abruptly stopped a speedily driven car on the road and, therefore, the car in which the present applicant was driving had met with an accident. Accordingly to the learned counsel, no specific role is attributed to the present applicant and therefore he deserves pre-arrest bail. The certificate which is being relied upon by the applicant does not inspire confidence of the Court. The nature of injuries is that the applicant was diagnosed with abdominal pain and right shoulder pain. The fact that he is shown to be discharged on 3.6.2015 would not inspire confidence of the Court inasmuch as this certificate is issued on 4.6.2015. The C.T. Scan was normal. There was only soft tissue swelling at the elbow. The applicant had fled from the spot immediately.

4. Taking into consideration the facts and the submissions advanced across the Bar, the applicant does not deserve pre-arrest bail. Application stands rejected.

(SMT.SADHANA S.JADHAV, J.)