

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 795 OF 2015

Hemant @ Hemraj Vijay Jadhav & Anr. ... Applicants
Vs.
The State of Maharashtra ... Respondent

Mr. Ganesh Gole, Advocate for the Applicants.
Mr. S.S. Pednekar, APP for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JUNE 10, 2015**

P.C.:

The applicants have moved this Application for pre-arrest bail under section 438 of the Criminal Procedure Code, as the applicants/accused apprehend arrest in C.R. No. I-53 of 2015 registered at Ozar Police Station for the offence punishable under sections 307, 326, 143, 147, 148, 149, 504, 506 of Indian Penal Code, under section 37(1)(3) and section 135 of the Bombay Police Act. One Nilesh Nivruti Rupavate has given the information to the police that on 21st April, 2015 he along with his friend Vinod went to attend some function to Ozar, at the relevant time, Gram Panchayat election was to take place on the next date. The applicants/accused along with co-accused arrived at the spot at around 11.30 p.m. The applicants/accused and co-accused assaulted the complainant and other persons with sword and sharp edged weapon. They were injured and thereafter the complaint was lodged.

2. The learned counsel for the applicants/accused submitted that the applicants/accused are victims of the political rivalry. He relied on the birth certificate of Vinod Jadhav and stated that Vinod was born in the month of August, however, the function was in April and, therefore, the basis of the complaint is false. He submitted that the applicants/accused are innocent and they have not committed any offence.

3. Learned APP relied on the statement of the witnesses and injury certificate. He submitted that few persons were injured. He submitted that earlier the offence was registered under section 326 but considering the injury, subsequently Section 307 was added.

4. Perused the FIR and the statement of eye witness. A specific role is attributed to both the applicants/accused. Vinod Jadhav had identified that applicants/accused who arrived there along with weapons. It is mentioned that applicant Hemant Jadhav was holding sword and applicant Shekhar Jadhav was holding iron rod and they assaulted the complainant and other persons. There may be a political rivalry, however, after going through the injury certificates, it appears that there was attack and as the names of these two persons were taken, no case for grant of anticipatory bail is made out. Hence, the Application for anticipatory bail is rejected.

(MRS.MRIDULA BHATKAR, J.)