

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.811 OF 2015

1) Vishal Prabhakar Pingale
2) Vijay Prabhakar Pingale

... Applicants

Vs.

The State of Maharashtra

... Respondent

Mr.L.D. Zade i/b Khandeparkar & Associates for the Applicants
Ms.R.V. Newton, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 8, 2015**

P.C.:

1. The application is moved as the applicants/accused are apprehending arrest in relation to C.R. No.83 of 2015 registered with Panchavati police station, Nashik under sections 326, 323, 504, 506 r/w 34 of the Indian Penal Code and section 135 of the Mumbai Police Act. It is the case of the prosecution that one Rahul Manoj Pawar gave information to the police that on 6.3.2015, the injured Amol Murtdak had assaulted one of the accused Vishal and on 8.3.2015 i.e., 2 days thereafter at around 8.45 pm, when he alongwith his friends Sunil and Amol were returning on motor cycles. At that time, near one godown, the applicants/accused came and stopped Amol and the complainant. The applicants/accused questioned the injured about the previous assault.

Then suddenly Vishal started assaulting with wooden rod and Vijay assaulted Amol with some sharp edged weapon. When the informant tried to intervene, he also sustained injury. They started shouting and therefore the applicants/accused ran away. Amol was shifted to the hospital and then the complaint was registered against the applicants/accused.

2. The learned Counsel for the applicants/accused has submitted that the applicants/accused are innocent. They are attending the police station after obtaining interim pre-arrest bail and nothing is recovered from them. Their custody is not required. It is submitted that Vishal, as per the case of the prosecution, was not carrying any sharp edged weapon and therefore, the applicants/accused need to be granted pre-arrest bail.

3. Learned Prosecutor while opposing the application, produced the papers of the investigation including the injury certificate of Amol.

4. Perused the injury certificate. It discloses that there is a fracture of left ulnar shaft. He has also suffered. There are three fractures, multiple sharp wounds as also head injury with internal bleeding. Considering these injuries and the specific role attributed to both the applicant/accused by the informant, in my view, it is not a case to grant pre-arrest bail.

5. Hence, Anticipatory Bail Application is rejected.

(MRS.MRIDULA BHATKAR, J.)