

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1479 OF 2014**

Aashu @ Mayur Ashok Suryawanshi	Applicant.
Versus	
The State of Maharashtra	...Respondent.

Mr. P.M.Chakurkar i/by Suresh Dubey, advocates for the applicant.
Ms. A.T.Javeri , APP for the respondent-State.

**CORAM : REVATI MOHITE DERE, J.
DATED : March 3, 2015**

P.C.:

Heard learned counsel for the applicant and the learned APP
for the State.

2 By this application, the applicant seeks his enlargement on bail
in connection with the C.R.No.I 110 of 2013 registered with the Kopari
police station, Thane for the alleged offences punishable under Sections
302, 307, 143, 146, 147, 148 and 149 the Code of Criminal Procedure,
1973 as well as under the Arms Act.

3 The incident in question has taken place on 8.11.2013 at about 11.45 pm. The complainant Yogesh Thite is the brother of Mangesh, who is the injured witness in the said incident. According to the complainant, the incident was disclosed by Mangesh that he was assaulted by Bala Londhe, Tushar and his associates with swords, knife and beer bottles.

4 The learned counsel for the applicant states that the name of the applicant does not find place in the FIR lodged by Yogesh, though the incident was disclosed by his brother Mangesh and the FIR was lodged pursuant to the information received from Mangesh. He submits that there is nothing in the statement of Mangesh to show how he knew the present applicant.

5 The learned APP opposed the bail application.

6 Perused the charge-sheet, FIR, statement of Mangesh, P.M.Report and injury certificate. Admittedly, the complainant Yogesh is not an eye witness. Injured Mangesh has specifically named the present applicant and has stated that the present applicant assaulted the deceased-Suresh by a beer bottle on his head. Considering the said fact that the applicant has been assigned a specific role and the injuries

sustained by the deceased, the applicant does not deserve to be enlarged on bail. application for bail is rejected.

7 Accordingly, the application is rejected and disposed of.

8 The aforesaid observations are prima-facie, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE J.