

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1107 OF 2015

Sunil Sadashiv Sable	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Aniket Nikam, for the Applicant.
Mrs. R.V. Newton, APP for Respondent – State.

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

DATE: **AUGUST 03, 2015**

P.C.:

1. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 307, 326, 120(B), 143, 147, 149, 323 and 506 read with 34 of the Indian Penal Code in C.R. No. I-197 of 2015 registered with Panvel city police station, Navi Mumbai.

2. One Kishor Babre gave information that he and the applicant/accused Sunil are having business rivalry. They are electric contractors and recently the complainant received a contract of one Satyam Builders and therefore the applicant/accused was angry with

him and on 23rd June, 2015 at around 8.30 pm, he hired some assailants and those persons assaulted the complainant on the road in front of Patel hospital at Panvel with base bat. He got injured and thereafter he gave information to police.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is innocent. He is falsely implicated in this case. At the time of the incident, the applicant was externed and his presence was not possible. He further submitted that considering the remand report which was produced before the Court of J.M.F.C., it is clear that the police have developed the case in respect of the weapon used for the assault and so also seizure of cars which were used by the accused to arrive on the spot. He submitted that the applicant/accused is having antecedents and therefore he is falsely implicated in this case. He be granted pre arrest bail.

4. The learned prosecutor opposed the application. She produced the injury certificate and also produced a chart of the antecedents of the applicant/accused since the year 2005 to 2013. She submitted that nearly there are 10 cases pending against the

applicant/accused. There was order of externment against the applicant/accused and he has violated the said order. There is terror in the locality about the applicant/accused. Hence, pre arrest bail not to be granted to the applicant.

5. Perused the first information report and the injury certificate. The injury certificate discloses that there are two fractures caused to the complainant. It shows that the complainant was beaten up in the incident of assault which was taken place on 23rd June, 2015. It is to be noted that the incident has taken place at 8.30 pm and immediately thereafter the complaint was given at about 11.00 p.m. The applicant/accused is having very bad criminal record. It appears that he has been committing offences to create terror in the locality. The complainant and the applicant/accused are in the same business and as the complainant got a contract of one builder, it *prima facie* shows the motive of assault to the complainant. Hence, I am not inclined to grant pre arrest bail to the applicant.

6. In view of the above, the application stands rejected.

(MRS.MRIDULA BHATKAR, J.)