

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1165 OF 2015**

Manoj Narayan Lakade	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1166 OF 2015**

Sunil Narayan Lakade	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Solkar Mohammed Amin Haroon for the Applicants

Ms. P. P. Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 26TH AUGUST, 2015

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By these applications, the applicants seek pre-arrest bail in connection with C.R. No. I-112 of 2015 registered with the Shahapur Police Station (subsequently transferred to the Local Crime Branch, Thane Rural), for the alleged offences punishable under Sections 353, 147, 148, 149, 332, 504, 506, 427 of the Indian Penal Code, 1870.

3. The complainant is a Police Constable-Dnyaneshwar Prabhakar Devkar. In his complaint dated 9th April, 2015, he has stated that when he was on traffic duty along with two Police Constables-Prashant Wagh and Bala Jadhav, he saw three persons on a two-wheeler. It is alleged that as they approached Kinhawali phata, one of them got down and ran away. The constable on seeing the same, stopped the said two-wheeler, asked for papers of the motorcycle, license of the applicant Manoj, which documents were shown to the Constable. A fine was demanded from the applicant No. 1 for riding the motorcycle triple seat. It is alleged by the complainant that the applicant No. 1 told him that he is the brother Sunil Lakade (Applicant in ABA No. 1166/2015) and they could do whatever they wanted. It is alleged that the applicant No. 1 Manoj called Sunil Lakade from his mobile and disclosed to him that he was stopped at Kinhawali Phata. It is alleged that the applicant in ABA No. 1166/2015-Sunil Lakade came there in a Pajero car along with other co-accused. It is alleged that Sunil assaulted police constable - Prashant Wagh with an iron rod and questioned him as to why he had stopped his brother Manoj. It is also alleged that Sunil assaulted police constable - Prashant Wagh on his

left ear and that when the complainant and police constable-Bala Jadhav tried to intervene, one Preet (Paaji) came there and removed a gupti from his waist and assaulted police constable-Prashant Wagh on his hand.

4. Learned Counsel for the applicants submitted that the complaint was a false complaint and that no such incident had taken place. He submitted that only because the applicants did not give gratification as demanded by the police, that the present FIR came to be lodged as against the applicants and others. He submitted that Manoj, the applicant in ABA No. 1165/2015 had received a grievous injury, inasmuch as, he sustained a fracture on his right hand. According to him, the applicants have been falsely implicated in the said case as they failed to pay the gratification demanded by the complainant.

5. Learned A.P.P opposed the bail application. She submitted that the applicants, by taking law into their own hands, had defied the police constables who were discharging their duty. She submitted that both, the complainant-Dnyaneshwar and the police constable-Prashant Wagh have received injuries in the said incident. She also submitted that there are several cases registered as against the applicant Sunil Lakade in ABA

No.1166/2015. She submitted that infact the applicant Sunil has committed the present offence, whilst on interim bail in another case.

6. Be that as it may, the fact remains that two constables have received injuries in the said incident. Perused the injury certificates of both, the complainant-Dnyaneshwar as well as Prashant Wagh. It appears that Prashant Wagh had to undergo CT-Scan and had to be referred to an ENT Surgeon, as there was a blunt trauma of the left ear. The injury certificates *prima facie* are consistent with the complaint which has been lodged by Dnyaneshwar. The applicants have assaulted police constables who were discharging their duty.

7. Considering the nature of allegations, this is not a fit case to enlarge the applicants on bail. Accordingly, the applications are rejected.

8. At this stage, learned Counsel for the applicants prays for continuation of the interim protection for a period of four weeks. In view of what is stated above, the said prayer is rejected.

REVATI MOHITE DERE, J.