

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1729 OF 2015

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr. S.B.Sakat for the Applicant.

Ms.S.D. Shinde, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 11th December, 2015

P.C.

The applicant is apprehending arrest in CR No.279/2015 registered with Trombay Police Station, Mumbai under section-326, 143,144, 147, 148 of the I.P.C.

2) It is the specific case of the complainant in his FIR dated 21.10.2015 that co-accused Abhay Bhise inflicted blow with the help of sword on the head of injured Ganesh. At that time the present applicant gave blow of cricket stump on the right hand of the Ganesh. When Prakash Kadam tried to pacify the matter the co accused gave a blow of the stump on the back of the complainant.

3) The learned counsel for the applicant submitted that as of today the weapons in the present crime are recovered at the instance of

other accused persons who have been released on bail. He submitted that FIR indicates overwriting in the sections. He further submitted that the injuries sustained by the complainant are simple in nature and therefore, the applicant may be released on pre-arrest bail.

4) I have perused the record including the statement of witnesses and medical certificates. The Medical Certificate of Ganesh discloses that the said injured witness has received CLW on his parietal region. The injury certificate of the complainant mentions trauma on abdomen. The applicant was the member of the unlawful assembly and was sharing the common intention with other co-accused persons. The cricket stump used by the applicant is to be recovered. The offence alleged against the applicant is serious in nature and therefore, I do not see any reason to grant protection of pre-arrest bail to the applicant. In view of the above, I find no merits in the application. Application is accordingly rejected.

(A.S. GADKARI, J.)