

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1824 OF 2015
WITH
CRIMINAL APPLICATION NO.1032 OF 2015

Subhash Gangaram Patil.

..Applicant.

vs.

The State of Maharashtra.

..Respondent.

Mr. Shirish Gupte, Sr. Advocate i/by S.D.Pandey for the Applicant.

Ms.M.H.Mhatre, APP. for the State.

Mr. Amol D. Joshi for Intervener in Criminal Application
No.1032/2015.

CORAM: A.S. GADKARI, J.

DATE : 16TH DECEMBER, 2015

P.C.:

This is an application for pre-arrest bail in CR No.I-140 of 2015 registered with Tilaknagar Police Station under Section 307, 506(2), 147, 148, 149 of the I.P.C. and under Section 4(25) of the Arms Act and under Sections 37, 3 and 135 of the Bombay Police Act.

2) The first information report has been lodged by one Sachin Palan brother of victim Nitin Palan. It is stated in the FIR that

the complainant and his brother are workers of Bhartiya Janata party. The applicant herein was the worker of Maharashtra Navnirman Sena. That, on 1.11.2015 there was general elections of the Kalyan Dombivli Municipal Corporation. On 1.11.2015 at about 4.00p.m. the applicant along with 7 to 8 unknown persons was assaulting friend of the complainant namely Shyam Lodhaya with fist and kick blows. They there after forcefully lifted the said Shyam Lodhaya and tried to abduct him. The applicant saw it and immediately informed the police officer who was present near the said spot. The police rushed to the said spot and after seeing the police the said persons ran away and went to the office of the applicant. After seeing the particular incident the complainant and his younger brother namely Pradeep Palan were proceeding towards their party office by road whereon office of the applicant is situated. In the mean time, the elder brother of the complainant namely Nitin Palan met them. At that time all of a sudden the applicant and other four to five accused persons came there. The co accused namely Gautam gave blows of sword on the back, hands and buttock portion of the said victim Nitin. The complainant has specifically alleged that the applicant thereafter stabbed the said Nitin on his stomach and below the ribs of the chest by a knife. At that time the applicant also instigated the said Gautam

to kill Nitin, the brother of complainant. The police thereafter tried to control the situation. The complainant admitted his brother to hospital for treatment and thereafter lodged the FIR with the police,

3) The learned Sr. Counsel appearing for applicant submitted that the entire incident had taken place on the date when there were general elections in the said city. He further submitted that the injury certificates issued by the Doctor do not support the contention of the complainant. The statement of the complainant may not be accepted as gospel truth as the complainant was hailing from the opposite political party. He further submitted that the custodial interrogation of the applicant is not necessary. He lastly submitted that the present application may be allowed.

4) I have perused the FIR and other documents annexed to the present application. I have also perused the medical certificate annexed herein. It is the specific and precise case of the complainant that the applicant gave blows with the aid of knife on the stomach and the below ribs of his brother namely Nitin Palan. The medical certificate annexed to the present application undoubtedly corroborates the version of the complainant. The injury Nos. 2 and 3 mentioned therein are supporting the contention of the complainant. Though the injuries are CLW the same are grievous in nature. The

weapon used by the applicant in the present crime has to be recovered by the police and the same is not possible unless and until the applicant is taken into custody. After taking into consideration the gravity of the offence, serious nature of allegations made against the applicant and the factor of recovery of the weapon, I am not inclined to grant pre-arrest bail to the Applicant. I do not find any merit in the application and it is accordingly rejected.

5) As the bail application is rejected. the application bearing No.1032/20154 for intervention does not survive and the same is disposed off.

(A.S.GADKARI, J.)