

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

A.B.APPLICATION NO.1850 OF 2015

Hemant Vijaysingh Patil

..Applicant

-Versus-

State of Maharashtra

..Respondent

Mr.Anil Joshi for applicant

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

CORAM : A.S.GADKARI, J.

DATE : 9th December 2015.

P.C.

1] The applicant is apprehending arrest in C.R.No.I-267 of 2015 registered with Bazarpeth police station, Kalyan.

The complainant Mayur Sunil Dhanave in the F.I.R. dated 22nd September 2015 has stated that due to earlier quarrel, which had taken place on 21st September 2015, on 22nd September 2015 at about 1.30 a.m. the applicant along with his brother came to the complainant. The applicant gave blows on the head and back of the complainant with the aid of wooden log. At that relevant time, the applicant and his brother were trying to assault the father of the complainant with the aid of knife. In the circumstances, the

complainant has lodged the F.I.R.

2] Learned Counsel for the applicant submitted that as a matter of fact, there are cross complaints registered against the applicant and the complainant arising out of the same incident. The applicant in the present crime has lodged the F.I.R. No.266 of 2015 first in point of time than the complainant in C.R.No.267 of 2015.

3] Learned APP on the other hand submitted that the custodial interrogation of the applicant is necessary with a view to recover the wooden log which was used by the applicant in the PRESENT crime. She further submitted that there are cross complaints arising out of the same incident which demonstrate that the incident in question, in fact had taken place wherein the complainant has been assaulted.

4] After taking into consideration, the documents on record and the submissions made by the learned Counsel for the respective parties, I am of the opinion that custodial interrogation of the applicant is necessary with a view to recover wooden log used in the

present crime. Unless and until the applicant is interrogated after taking him into custody, the said recovery appears to be not possible. Apart from recovery the gravity and seriousness of offence also requires the custodial interrogation of the applicant. For the said reasons, I am not inclined to grant any protection by way of pre-arrest bail to the applicant. The application is rejected.

(A.S.GADKARI, J)