

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1351 OF 2016
(Sharad Sadashiv Kulkarni Vs. The State of Maharashtra)

Applicant – Shri Sharad Sadashiv Kulkarni present
Mr. U.S. Mote, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 29/03/2016

ORAL ORDER :

1. Re-heard.

2. In fact, Mr. A.K. Bhosale, learned counsel for the applicant was heard on the last date i.e. 17th March, 2016. However, in view of receipt of the fax (dated 16th March, 2016) from the applicant in person, the case was fixed today. Today, the applicant in person has filed on record an application for grant of adjournment.

3. In fact, learned counsel for the applicant on the last date sought time only to take instructions from the applicant as to whether the application can be withdrawn in view of the fact that upon hearing him, the Court was not inclined to grant anticipatory bail to the applicant.

4. Today, to give additional fair opportunity, the applicant was heard in person. Thereafter, the following order is being passed.

5. The present applicant who is apprehending his arrest at the hands of Kranti Chowk Police Station, District Aurangabad in Crime No. 190/2016, registered for the offences punishable under section 323, 394 and 506 of the Indian Penal Code, is praying for his release on bail in the event of his arrest.

6. The arguments from both sides, including the learned counsel for the applicant on the last date and the learned counsel assisting to learned A.P.P. would show that there is animus between the applicant and the complainant in view of the previous proceedings.

7. The FIR would show that there were two advocates in the court premises where the incident has occurred. The learned A.P.P. has pointed towards the statements of two advocates, namely, Advocate Shri Deepak Dabhade and Advocate Shri Gaurav More who supported the statement made in the FIR.

8. The applicant in person additionally submitted before this Court that on the day of the incident, in fact, both the Advocates were taking notes in the court hall and thereafter, they supplied the same to the advocate for the complainant.

9. The defence of the applicant cannot be considered at this stage. Considering the fact that there is strong prima facie case against the present applicant that in the court premises the incident has occurred and there is independent corroboration to the same, I do not find any reason to grant anticipatory bail to the present applicant. In the circumstances, the application is hereby dismissed. The interim protection granted to the present applicant by this Court, vide order dated 2nd March, 2016 is hereby revoked.

[M.T. JOSHI]
JUDGE

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