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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.420 OF 2016**

Nilesh @Nitin Shankar Awale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Rahul Kate, for the Applicant

Mr.Arfan Sait, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 8<sup>th</sup> MARCH, 2016***

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 05 of 2016 registered with the Shahupuri Police Station, Satara, for the alleged offences punishable under Sections 341, 395, 397 of the Indian Penal Code.
3. The complainant is one Vishal Waydande, who is also an injured. He has stated that on 12<sup>th</sup> January, 2016 at about 10.45 p.m., the applicant alongwith other co-accused accosted and assaulted him and took

an amount of Rs.1,800/- from his pocket.

4. Learned Counsel for the applicant states that the applicant has been falsely implicated in the said case along with his brother. He relied on a certificate issued by a Corporator of the Satara Municipal Council, which is on page 19 of the application.

5. Learned APP opposed the application. He submitted that the plea of alibi and the certificate cannot be looked into, more particularly as the applicant was not working with the Nagar Parishad.

6. Perused the papers. It appears that on 12<sup>th</sup> January, 2016 at about 10.45 p.m., when the complainant was going on his Activa one Kiran followed him and asked him to give his wallet. When the complainant refused to give his wallet, it is alleged that Kiran assaulted him with fist blows. Soon thereafter, the present applicant who was at the spot, alongwith other co-accused came there and assaulted the complainant with wooden logs and the said Kiran took away a sum of Rs.1,800/- from the complainant's pocket. It appears that the complainant has received a

stab wound on his left lower leg and contusion on the back side. The weapon allegedly used was a sickle and a wooden log.

7. Considering the fact, that the applicant has been specifically named in the FIR and has been named by the complainant, as being one of the persons who assaulted him, this is not a fit case for granting pre-arrest bail to the applicant.

8. Hence, the Application for anticipatory bail is rejected and disposed of as such.

9. It is made clear, that if an application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

**REVATI MOHITE DERE, J.**