

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION No.395 OF 2016

Raju Prabhu Munuswami .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Abhaykumar Apte, Advocate, for the Applicant
Mr.D.P.Adsule, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 22.03.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No. 245 of 2015 registered with the Khadki Police Station, District – Pune, for the alleged offences punishable under Sections 143, 147, 148, 149, 307 & 427 of the Indian Penal Code, under Section 4(25) of the Arms Act and under Section 37(1)(3) of the Bombay Police Act.

3. The Complainant is Dinesh alias Chithya Kariya Pujari, the injured himself. He has alleged that on 06.09.2015 at about 10.15 p.m., when he was chitchatting with his friends, there was an altercation between him and Mayur Bagul. It is alleged that Mayur Bagul threatened, abused and assaulted the Complainant. According to the Complainant, Mayur Bagul again returned to the spot, after ten minutes with other co-accused. He has stated that all the accused assaulted him with Koyta on his head, back and shoulder, as a result of which he sustained injuries. He has alleged that all the accused, thereafter, caused damage to Rohan Shelar's shop "Rahul General Stores" as well as damaged to the motor cycle of Amit Shelar.

4. Learned counsel for the Applicant submits that the Applicant has not been named in the FIR. He submits that neither any description of the Applicant has been given. He states that

the Applicant is ready to co-operate with the investigation.

5. Learned APP opposes the Bail Application. He submits that the Applicant has been named by one of the arrested co-accused as being present alongwith them. He submitted that there are three cases registered as against the Applicant, in 2012 and 2013. He submitted that the Applicant was externed from the area, at the relevant time, and despite that the Applicant had entered the area and committed the alleged offence. He submits that the CDR records show the location of the Applicant on the spot, where the alleged incident took place.

6. Perused the papers. The Applicant has not been named in the FIR by the Complainant, as he did not know any of the accused, who had accompanied Mayur Bagul, by name. The complaint is lodged against Mayur Bagul and his

associates. According to the Complainant, he was assaulted with koytas and that he would be able to identify the said persons, if shown to him. The Injury Certificate of the Complainant shows that he had sustained two incised injuries and 3 CLWs. Hence, the custody of the Applicant is necessary. The Applicant has three antecedents and it appears that during his externment, he had entered the area, where the alleged incident took place and the CDR records support the said fact. It also appears, that apart from assaulting the Complainant, all the accused have caused damage to Rohan Shelar's shop and have also damaged Amit Shelar's motor cycle. The Applicant has been absconding since the date of the alleged offence.

7. Considering the aforesaid, this is not a fit case to grant anticipatory bail to the Applicant. Accordingly, the Anticipatory Bail Application stands rejected.

8. If an Application for regular bail is filed, the learned Judge shall consider the same on its own merits uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)