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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.671 OF 2016

Aziz Mohiddin Dhanse and Ors.	..Applicants.
V/s.	
State of Maharashtra	..Respondent.

Mr.Kuldeep S. Patil for applicants.

Ms.R.M.Gadhvi, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 4TH JULY, 2016

P.C. :-

1. Applicants / accused in Crime No.92/2016 for offences punishable under section 326, 323, 147, 148, 503(2) read with 149 of the Indian Penal Code, under section 3 (25) of the Arms act and section 37(1) and 135 of the Maharashtra Police Act with Khopoli Police station, District Raigad by this application are praying for anticipatory bail.

2. Heard the learned counsel for applicants. The learned counsel argued that recitals in the F.I.R. shows that applicants / accused Mukhtar Dhanse was given the work of

construction of a compound wall at Express Highway. The version in the F.I.R. reflects that the informant was given work of supply of material. The F.I.R. is conspicuously silent as to why the informant was on the site with group of persons when the work entrusted to him was only to supply material. The learned counsel further argued that all alleged injured had suffered only simple injuries and just a day prior to the date on which the application for anticipatory bail was fixed for orders before the learned Additional Sessions Judge, a certificate showing that the injured has suffered grievous hurt was obtained. The learned counsel further argued that injuries are simple injuries and to make offence non bailable, section 326 of the Indian Penal Code is applied. It is further argued that even from accused side F.I.R. came to be lodged against the informant party for offence punishable under section 324 of the Indian Penal Code.

3. The learned APP opposed the application stating that injury certificates of several injured persons goes to shows that injuries suffered by them are serious injuries in nature and the crime is serious.

4. Perused the case diary. According to the informant,

the work was Express Highway linking Pune to Mumbai was going on at the instance of the Maharashtra State Road Development Corporation Ltd. The informant and accused appear to be sub-contractors. As per the averments in the F.I.R. the accused party was allotted with the work of construction of the compound wall whereas informant Hanif was provided with the work of supply of material. The reasons for the assault, as stated by the informant is desire of accused to take over the work of supply of material.

5. According to the prosecution case, accused persons had formed an unlawful assembly and indulged in rioting. In that act they assaulted the informant and his associates causing injuries to them. Statements of several injured witnesses are recorded by the Investigating Officer which shows the complicity of applicants in the crime in question. Injury certificates collected by the investigator show injuries suffered by injured were grievous in nature. The spot panchanama also corroborates the version of the informant. No case for anticipatory bail is made out and, therefore, the order.

The application is rejected.

(A.M.BADAR, J.)