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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.689 OF 2016

Siddharam Ambanna Torangi	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Ritesh Thobde, for the Applicant.
Mrs. R. M. Gadhvi, APP for the Respondent
State
Mr. V. B. Balerao – PSI, M.I.D.C Police Station,
Solapur.

CORAM : A. M. BADAR, J.

DATE : 10th JUNE, 2016.

P.C. :

1. The applicant/accused in Crime No.106 of 2016, registered with M.I.D.C. Police Station, Solapur, at the instance of injured Suresh Basavraj Patty, for the offence punishable under Section 307, 324, 143, 147, 148, 149 of the Indian Penal Code and under Section 135 of the Bombay Police Act, by the instant application is seeking pre-arrest bail.
2. The learned counsel for the applicant argued that rest of the co-accused are already released on bail. By taking me through the averments of F.I.R., he argued that no weapon is attributed to the applicant and the injured is already discharged from the hospital. Hence, nothing is to be recovered from the applicant and therefore, the interim

order needs to be confirmed. Learned counsel for the applicant further argued that cross F.I.R. is lodged in the instant case; wherein the present applicant is shown to be injured person.

3. The learned APP argued that the injured has suffered several injuries and therefore, the applicant is not entitled for pre-arrest bail.

4. Perused the papers of investigation made available including the injury certificate and the F.I.R. According to prosecution case, the incident in question happened on 6.3.2016 and the F.I.R. prima facie shows that the applicant and the other accused persons have formed unlawful assembly with common object to commit murder of informant Suresh Basavraj Patty. The informant had suffered several injuries as reflected from the medical certificate. The F.I.R. lodged by the injured shows the complicity of the assailants. Releasing the other accused persons on bail, does not make the applicant entitled for pre-arrest bail particularly when the nature and gravity of offence is one of the consideration for grant of relief under Section 438 of the Code of Criminal Procedure.

5. In this view of the matter, the application is rejected.

[A. M. BADAR, J.]