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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 837 OF 2016

Rahul Ramroop Gupta and Anr	..Applicants.
Vs	
State of Maharashtra	..Respondent.

Mr Harideep Singh for the applicants.
Smt. Rutuja Ambekar APP for the Respondent-State.

CORAM : A.S.GADKARI, J.
DATE : 19th August, 2016

PC.

- 1) The present application is filed for pre-arrest bail by the applicants-accused in CR no. 101 of 2016 registered with Kurar Police Station, Mumbai under sections 452, 326, 504, 506, 427 read with section 34 of the Indian Penal Code and under section 37 (1) and 135 of the Maharashtra Police Act.
- 2) The FIR is lodged by Ramsingh Yadav on 5th April, 2016. It is stated in the first information report that the co-accused namely, Raju Gupta demanded money from the brother of the complainant for consuming liquor. Thereafter, altercations took place and the co-accused Raju started beating Mahendrasingh i.e. the brother of the complainant Ramsingh. When the

complainant Ramsingh tried to intervene and pacify the scuffle, it is the specific allegation that the applicant no.1 Rahul assaulted the complainant Ramsingh with an iron rod on his face due to which his tooth was broken. The complainant also sustained injuries near his nose. It is further categorically stated that the applicant no.2 Rohit @ Sonu assaulted with iron strip on the face of Mahendrasingh i.e. the brother of the complainant and also assaulted on the right side of his head. The said incident took place at about 9:30 p.m. on 4th April, 2016. In the premise, the first information report was lodged.

3) The learned counsel for the applicants submitted that there is delay in lodging the first information report. That the first information report is lodged at about 00:30 hours (12:30 a.m.) on 5/4/2016 and the said delay is not explained. He further submitted that the accused no.1 Raju has been released on regular bail on the ground that the weapon involved in the crime is recovered at his instance and there are no antecedents at his discredit. He further submitted that another co-accused, namely, Suraj @ Tony has been granted pre-arrest bail by this Court by its Order dated 3/5/2016. He submitted that the

applicants are students and are of young age and therefore, they may be protected by way of pre-arrest bail.

4) The learned APP submitted that the respective weapons used by the applicants are yet to be recovered from the applicants. After perusing the first information report and other documents pertaining to the present crime, it is clear that the applicants with the aid of iron rod and iron strip respectively assaulted the victims in the crime. The injuries suffered by the victims are grievous in nature and therefore, section 326 of the Indian Penal Code is applied to the present crime.

5) After taking into consideration the fact that the weapons used in the present crime by the respective applicants are yet to be recovered, the gravity of the offence and serious allegations against the applicants, I am of the view that this is not a fit case to grant pre-arrest bail to the applicants. The application is accordingly dismissed.

(A.S.GADKARI, J.)