

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

CRIMINAL BAIL APPLICATION NO. 1056 OF 2016

Swapnil Chandulal Bahti & One Other ... Applicants.

V/s.

The State of Maharashtra ... Respondent.

Mr. Vishal L. Kolekar i/by Avinash Kamkhedkar, Advocate for the Applicants.

Mrs. Veera Shinde, A.P.P. for the Respondent- State.

CORAM : A. M. BADAR, J.

DATE : 01st JULY, 2016

P.C. :

1 Applicants/accused in Crime No. 215 of 2016 for the offences punishable under sections 307, 323, 324, 504, 506, 143, 147, 149 of the Indian Penal Code and under section 135 r/w. 37 (3) and 7 of the Maharashtra Police Act and u/s. 23 of the Criminal Amendment Act registered with Sadar Bazar Police Station, Dist. Solapur at the instance of informant by this application are praying for releasing them on bail.

2 Heard the learned counsel appearing for Applicants /accused. He argued that investigation is on the verge of completion and offence punishable under section 307 of the IPC is not made out even by reading the FIR.

3 As against this, learned APP for the State argued that the offence is serious.

4 Perused the papers of investigation including the FIR. Informant - Rajesh Tukaram Dahihande is working as “Receptionist” at Hotel Pratham located at Solapur. Papers of investigation show that when he was on duty at that hotel on 22.04.2016 at about 10.45 p.m., present applicant no.1-Swapnil Chandulal Bahti came to the hotel alongwith a young woman and demanded a room. Informant-Rajesh told him that room cannot be given to him as he is not having luggage with him. Thereafter, one Satyaprakash Agrawal had intervened on the phone in the matter. However, as applicant no. 1-Swapnil was not even having any document to show his identity, the informant refused to give him room on hire. Infuriated by the refusal of a room by the informant, applicant no.1-Swapnil then abused the informant-Rajesh and threatened him with dire consequences. Thereafter, the applicant and co-accused barged inside the hotel on 25.04.2016 and started assaulting the informant. There was an attempt to kill the informant by hanging him by belt and the necktie worn by the informant. After assaulting the informant, the applicant and co-accused ransacked the hotel by terrorizing other employees of the hotel. The witnesses are supporting the version of the informant. Medical evidence collected by the investigating officer also supports the version of the informant.

Investigation is still going on as such this cannot be a stage to entertain the instant application for bail when the offence is serious in nature.

5 In the result, the bail application is rejected.

(A. M. BADAR, J.)

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