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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.930 OF 2016

Ganesh @ Hemant Mukund Ghule	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Y.G. Shinde, I/by Prashant M. Patil, for the Applicant.
Mr. S.S. Pednekar, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 27th JUNE, 2016.

P.C. :

1. The applicant accused, in crime No.169 of 2016, registered with police station Dattawadi, Pune for offence punishable under Sections 364, 324, 323, 504 r/2 34 of the Indian penal Code, at the instance of Ajay Palkar, by this application is prayed for pre-arrest bail.
2. Heard the learned counsel for applicant and the learned APP.
3. By drawing my attention to the medical certificate, the learned counsel for applicant argued that injuries seen on the person of informant on 3.5.2016 was reddish; whereas the alleged assault took place on 2.5.2016. According to learned counsel, injury may be self inflicted caused in order to avoid repayment of loan taken from the accused persons. It is further argued that place of incident stated in the injury certificate is also

not corroborated with what is reported to the police.

4. As against this, the learned APP submitted that statement of driver of the vehicle corroborates the version of the informant. Perused various papers of investigation including F.I.R. It is averred by informant Ajay Palkar that on 12.5.2016, he received a telephone call from the applicant and as required by the applicant and co-accused, he went to Mitra Mandal Chowk. The informant further averred that from that place, he was abducted by present applicant and co-accused and was taken to various places by Indica Car. On the way, he was assaulted by means of belt, bat as well as hands. The reason of abduction is stated to be recovery of hand loan taken by brother of the informant. It is well settled that ocular evidence will always prevail over medical evidence. At this stage, veracity of recitals in the injury certificate cannot be looked into. Suffice to state that the version of informant is getting corroboration from injury certificate as well as statement of driver of the vehicle who vouched that the applicant was assaulted on the way by the present applicant and co-accused. No case for anticipatory bail is made out. Hence the order.

Order.

Application is rejected.

[A. M. BADAR, J.]