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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.999 OF 2016

Swapnil Aabasaheb Bandgar and Ors. ..Applicants.

V/s.

State of Maharashtra ..Respondent.

Mr.Rahul S. Kate i/b. Rupesh A. Zade for the applicants.

Mr.Y.M. Nakhwa, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 29TH JUNE, 2016

P.C. :-

1. Applicants / accused in Crime No.232/2016 for the offences punishable under sections 324, 341, 143, 147, 148, 149 and subsequently added section 326 of the Indian Penal Code registered with Indapur Police Station, Pune are seeking pre-arrest bail.

2. Heard the learned counsel for applicants / accused. He submitted that applicant No.3 Rohit is already arrested and at the time of his remand, police custody of Rohit was not granted. The learned counsel further argued that applicant

No.2 Kiran was not present at the time of incident and he was present at Lonand in Shri Shankar Gramin Bigar Sheti Sahakari Pathsantha and his presence is also recorded in the CCTV footage of that Co-operative Credit Society. According to the learned counsel for applicants because of the previous enmity, applicants are falsely implicated in the crime in question.

3. The learned APP opposed the application that there are two witnesses to the incident in question and version of the informant is corroborated by the medical certificate.

4. Perused the papers of investigation, the informant as well as Somnath Mahadev and Nilesh are the eye witnesses of the incident in question. Their congrues statements show that at the instance of applicant No.2 Kiran, Police Station, Bhigwan, Taluka Indapur arrested them and they were bailed out on 10th May, 2016 by the learned J.MF.C., Indapur. It is seen that while undertaking return journey to their home, present applicants and his associates accosted the informant and his associates. Then they were beaten by means of wooden log. The informant and two eye witnesses are

categorically stating presence of applicants at the time of the incident in question and they are specifically attributing role to applicants in the assault. Medical certificate of the informant shows that he has suffered fracture injury. *Prima facie*, therefore, it is seen that by forming an unlawful assembly, applicants have assaulted the informant as well as his associates.

5. Plea of alibi is required to be proved at the time of trial and as such, no over-bearing importance can be given to the alleged CCTV footage.

6. In the result, the application is devoid of any merits and, therefore, the same is rejected.

(A.M.BADAR, J.)